

**STATE VOCATIONAL REHABILITATION  
SERVICES PROGRAM**

**FY 2002 MONITORING AND  
TECHNICAL ASSISTANCE GUIDE**



**U.S. DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND  
REHABILITATIVE SERVICES  
REHABILITATION SERVICES ADMINISTRATION**

## **FY 2002 Monitoring and Technical Assistance Guide**

UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND  
REHABILITATIVE SERVICES  
REHABILITATION SERVICES ADMINISTRATION  
WASHINGTON, DC 20202

INFORMATION MEMORANDUM  
RSA-IM-02-13  
DATE: February 28, 2002

ADDRESSEES: STATE VOCATIONAL REHABILITATION AGENCIES (GENERAL)  
STATE VOCATIONAL REHABILITATION AGENCIES (BLIND)  
STATE REHABILITATION COUNCILS  
CLIENT ASSISTANCE PROGRAMS  
AMERICAN INDIAN VOCATIONAL REHABILITATION SERVICE  
GRANTS  
REGIONAL REHABILITATION CONTINUING EDUCATION  
PROGRAMS  
CONSUMER ADVOCACY ORGANIZATIONS  
RSA SENIOR MANAGEMENT TEAM

SUBJECT: FY 2002 Monitoring and Technical Assistance Guide for the State  
Vocational Rehabilitation Services Program

CONTENT: Section 107 of the Rehabilitation Act, as amended in 1998 (the Act),  
requires the Rehabilitation Services Administration (RSA) Commissioner  
to conduct annual reviews and periodic on-site monitoring of programs  
under this title to determine whether a State vocational rehabilitation (VR)  
agency is complying substantially with the provisions of its State plan  
under section 101 of the Act and with the Evaluation Standards and  
Performance Indicators established under section 106. RSA has  
developed this FY 2002 Monitoring and Technical Assistance Guide (the  
Guide) to fulfill the requirements of section 107 of the Act. In addition,  
the Guide will be used when RSA staff provides technical assistance to  
State VR agencies on the quality of their service delivery and the  
employment outcomes achieved by individuals with disabilities served by  
the VR program.

The attached FY 2002 Guide will be used by RSA staff in planning and  
conducting the annual reviews in all State VR agencies. For FY 2002, the  
Guide includes four mandated focus areas (Service Record Review,  
Evaluation Standards and Performance Indicators, Transition from School  
to Work, and Cost Allocation under WIA) and two optional areas (WIA-

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Implementation and Impact, and Designated State Unit Requirements). The Guide can also be used effectively by State VR agencies as a self-assessment tool.

**INQUIRIES:** In order to obtain additional copies of the Guide or to obtain the Guide in alternate formats, contact your RSA Regional Office; contact information can be found at the end of the Guide. You may also reach the RSA Central Office Monitoring Unit at:

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The Guide, as well as the sub-regulatory guidance referenced in the Guide, is also available at the RSA Website:  
<http://www.ed.gov/offices/OSERS/RSA>

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Joanne M. Wilson  
Commissioner

Attachment

cc: COUNCIL OF STATE ADMINISTRATORS OF VOCATIONAL REHABILITATION  
NATIONAL ORGANIZATION OF REHABILITATION PARTNERS

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# INTRODUCTION

During Fiscal Year (FY) 2002, RSA will continue to conduct annual reviews and periodic on-site monitoring as required by section 107 of the Rehabilitation Act, as amended in 1998 (the Act). The purpose of this monitoring is to assess State vocational rehabilitation (VR) agency performance in assisting eligible individuals with disabilities to achieve employment outcomes and to determine compliance with the assurances made in the VR agency's State plan and with the Evaluation Standards and Performance Indicators established under section 106 of the Act.

RSA uses the Monitoring and Technical Assistance Guide (Guide) as its uniform monitoring instrument. Each year, RSA selects monitoring focus areas to determine the level of implementation of certain requirements, to gather information about the status of specific National initiatives, and to assess the nature and scope of technical assistance needed by the public VR program. This information is used to report to Congress and the Commissioner and to make decisions regarding funding and training priorities. This year, RSA will emphasize the following four required focus areas during its annual reviews:

- A service record review focusing on eligibility, timeliness of services, substantiality of services, and employment outcomes;
- An examination of State VR agency performance on the Evaluation Standards and Performance Indicators required by section 106 of the Act;
- A review of the interagency agreements between the State VR agency and the State education agency and local education agencies and an examination of the transition services provided to students with disabilities; and
- A review of cost allocation agreements and practices under the Workforce Investment Act.

In addition, two optional focus areas are included in the Guide and may be used by RSA staff as circumstances within a State agency warrant:

- An examination of the Workforce Investment Act and its impact on participants in the VR program; and
- A review of compliance with the legal requirements for a designated State VR unit.

A companion document, the RSA Monitoring Manual (Manual), contains additional monitoring and technical assistance guidance that may be used, as appropriate, on topics such as: eligibility and ineligibility; development of the individualized plan for employment (IPE); informed choice; comprehensive system of personnel development; due process procedures; composition and functions of the State Rehabilitation Council and independent commission. The Manual will be disseminated separately from the Guide and both documents will be placed on RSA's website, along with other RSA guidance, located at <http://www.ed.gov/offices/OSERS/RSA>.

Stakeholders in the public VR program have asked RSA to better publicize particularly effective practices for assisting individuals to achieve employment outcomes as well as other innovative strategies for fulfilling the intent of the Act. The development of a database containing this information may be useful in improving service delivery for individuals with disabilities.

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Therefore, the three questions listed below will be included in the web-based report form that RSA Regional Office staff utilizes for reporting findings to the RSA Central Office. As the Federal agency charged with providing leadership in promoting the employment of individuals with disabilities, particularly individuals with significant disabilities, RSA requires this documentation in order to maintain an effective and accountable monitoring system. It is RSA's hope that the effective practices may be replicable in other States, whereas the documentation of technical assistance needs and barriers to compliance will be used to target additional resources, including training, and to develop appropriate Federal policy. The identification of VR programs and practices as technical assistance resources, or as in need of technical assistance, is largely a function of professional judgment and is based on the information obtained during the entire monitoring review.

After completing all monitoring review activities, RSA staff will be able to respond to the following three questions, indicating the relevant item number from the Guide as a reference point:

1. \_\_\_\_ YES \_\_\_\_ NO Has the review of the VR program identified any particularly effective practices that may be replicated elsewhere? (§14(f) of the Act) Please describe.
2. \_\_\_\_ YES \_\_\_\_ NO Has the review of the VR program identified any barriers or compliance issues, which RSA must address? (§107(b)(2) of the Act) Please describe.
3. What technical assistance was provided and/or is needed? (§12(a)(1) and §107(b)(1) of the Act) Please describe.

At the conclusion of annual review activities, RSA will develop a draft monitoring report that will include the findings from the four required focus areas contained in the Guide. Following the necessary reviews of that report within RSA, the RSA Regional Commissioner will then send the draft report to the State VR agency director for review and comment. The State VR agency will be afforded 30 days to comment on the draft report. The comments received will be reviewed and, where appropriate, the review team's responses to those comments will be integrated into the final monitoring report. This final report will be issued within 30 days of the receipt of comments. It will be provided to the State VR agency director with copies to the chairperson of the State Rehabilitation Council and RSA Central Office.

# ***FOCUS AREA I***

## **Service Record Review Guide**

## SERVICE RECORD REVIEW GUIDE INSTRUCTIONS

### Purpose of the Service Record Review

This service record review guide examines four aspects of vocational rehabilitation (VR) policy and practice: (1) eligibility determination; (2) timeliness of services; (3) substantiality of services; and (4) quality of employment outcomes. Most of the questions in this service record review are designed to determine whether the State agency is in compliance with specific statutory and/or regulatory provisions. However, in order to review these four components of the VR process thoroughly, the reviewer must ask some questions that go beyond compliance with the statute and regulations and instead examine the State agency's performance, focusing specifically on the quality of rehabilitation practice and service provision. Many of the complaints filed with the Client Assistance Program by individuals with disabilities concern the lack of timeliness and substantiality of VR services. During FY 2002, RSA will gather information regarding State agency practices in the areas of timeliness and substantiality of services in order to begin exploring the feasibility of establishing standards for good practice. The questions regarding performance included in the service record review will require the reviewer to exercise professional judgment. These questions are marked with an asterisk. Teams of reviewers may include State agency staff as well as RSA personnel.

**Eligibility:** The first component of the service record review examines eligibility for VR services. As is traditional in service record reviews, RSA will continue the practice of reviewing whether the documentation in the service record supports the determination of eligibility made by the VR counselor using the basic eligibility criteria for the VR program.

**Timeliness of Services:** The timeliness with which individuals with disabilities gain access to the VR process and to needed services is critical in determining the quality of the VR program. Therefore, RSA will be examining the issue of timeliness during the service record review. It is important that State VR agencies respond to individuals in a timely way at each stage of the VR process--expediting the application of an individual referred to the program, determining the eligibility of the individual once an application is made, developing the individualized plan for employment (IPE), and delivering services as expeditiously as possible.

**Substantiality of Services:** An important measure of a program's effectiveness is whether the activities carried out by program staff contribute substantially to the outcomes the program is mandated to achieve. In the case of the VR program, State VR agency staff are to provide services necessary for individuals with disabilities to achieve employment that is consistent with their strengths, resources, concerns, interests, abilities, capabilities, and informed choice. During the service record review, RSA will be examining on a National basis whether the VR services being provided to individuals with disabilities contribute substantially to the employment outcomes achieved by such individuals.

**Employment Outcomes:** The fourth section of the service record review focuses on the employment outcomes, specifically competitive employment outcomes, achieved by individuals with disabilities. The 1992 and 1998 Amendments to the Rehabilitation Act placed increased emphasis on competitive employment outcomes, i.e., employment in the competitive labor

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market that is performed on a full-time or part-time basis in an integrated setting and for which the individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled. The regulations that promulgated the evaluation standards and performance indicators for the VR program in June 2000 also placed priority on this type of employment outcome in the VR program. In this context, this section of the service record review is designed to assess the degree to which the competitive employment outcomes reported by the State VR agency meet the criteria of 34 CFR §361.56.

**Services to Special Populations:** During FY 2002, RSA is particularly interested in examining the quality of VR services being provided to students transitioning from school to adult life. To this end, one focus area of the Monitoring and Technical Assistance Guide requires a review of interagency agreements, policies, procedures, and practices pertinent to transitioning students. In addition, this focus area requires that service records of these students be reviewed and provides supplemental questions that are to be asked when reviewing these service records.

Another set of supplemental questions is provided which may be used when reviewing the service records of individuals served by VR agencies in a One-Stop center. Reviewing these service records is an optional activity that may be undertaken during FY 2002.

### Selecting the Sample of Service Records

There are three elements to sampling service records. These include selecting (1) the variable categories from which service records will be selected for review and comparisons made (the population); (2) the number of service records to be reviewed in each category (sample size); and (3) the actual service records to be reviewed (sample selection).

**The Population:** Determining the population(s) from which to select service records for review is primarily dependent upon the information desired by the organization initiating the review. In the case of the current service record review, RSA is primarily interested in selecting service records that demonstrate all aspects of the rehabilitation process (meaning service records for individuals who have exited the VR program after receiving services). These service records will be particularly helpful in allowing RSA to examine issues around timeliness and substantiality of services--issues that may be more apparent after the individual exits the VR system rather than while the individual is still receiving services.

RSA is also interested in specific aspects of the rehabilitation process for which the statutory and regulatory requirements have changed in recent years (e.g., eligibility determination, timeliness of services, and the quality of the employment outcomes). The 1998 Amendments to the Rehabilitation Act, which became law on August 7, 1998, made substantial changes in a number of statutory provisions. The most recent VR regulations implementing the 1998 Amendments were published in January 2001. The regulations at 34 CFR Part 361 implementing title I of the Act were published on January 17, 2001, and became effective on April 17, 2001. The regulations on employment outcomes were published on January 22, 2001, and became effective on October 1, 2001 (although State agencies had the option of implementing them as early as

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April 3, 2001). Therefore, in order to assess compliance with the current statutory and regulatory requirements, only service records opened after August 7, 1998, should be sampled. In order to select only service records reflecting the most contemporary State agency policies and practices, however, further narrowing of the timeframe for sampling may have to be done. Determining the method for selecting the population of service records (e.g., selecting only service records opened after a specific date) will have to be done on a case-by-case basis, depending upon the specific timeframes a State agency has utilized for implementing updated policies reflecting current statutory and regulatory provisions.

In addition, RSA is interested in sampling service records of students with disabilities transitioning from school to adult life. To sample service records of transitioning-age students, it is recommended that reviewers choose service records for individuals who meet one of these conditions:

- (1) individuals whose age at application is between 14 and 19 (in order to draw service records of individuals with disabilities who may have been served in regular education settings)
- or
- (2) individuals whose age at application is between 14 and whatever age the State has established for students exiting the special education system and who have been coded as receiving special education on the RSA-911 (in order to draw service records of individuals who received services under an IPE).

In order to sample individuals who are being served by the VR program in a One-Stop center, an optional review activity during FY 2002, it is recommended that reviewers choose one of two alternate methods of selection: (1) determine which counselors throughout the State serve One-Stop centers and choose individuals from their caseloads, or (2) choose individuals whose source of referral on the current RSA-911 is "One-Stop employment/training center." It should be noted that this new code has only been employed since October 2001.

**Sample Size:** The determination of the size of sample to be drawn from a population of service records has been the subject of much investigation. If the sample is too small, it will not be representative of the population. If the sample contains more service records than are needed, the review process will be time-consuming, tedious, and expensive. In the past, tables have been generated presenting population percentages to be selected based on population size. For example, if the population of service records ranges between 250 and 500, the reviewer might reasonably choose a sample of ten to twenty-five percent; between 500 and 1,000, five to ten percent; between 1,000 and 5,000, one to two percent. Given the substantial commitment of resources involved in reviewing service records, even when both RSA staff and State agency personnel participate in the service record review process, it is recommended that a maximum of 100 service records be reviewed in one State agency.

In order to examine the four aspects of the VR process covered by this service record review (eligibility, timeliness of services, substantiality of services, and quality of employment outcomes) and in order to be certain that individuals of transitioning age at application are included in the sample, the following recommended break-down of a sample of 100 service

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records might be helpful. Approximately one-quarter of the service records would be for individuals other than transitioning-age students who have exited the VR program after obtaining employment; about one-quarter would be for individuals other than transitioning-age students who received services but who exited the VR program without employment; and about one-half would be for transitioning-age students. For transitioning-age students, the reviewer may need to select some service records for individuals still receiving services, as there may be insufficient numbers of such individuals that have already exited the VR program.

**Sample Selection:** Once the population(s) and sample sizes have been determined, the actual sample selection ensues. This process is dependent upon the type of service records to be selected and the computer capability of the State VR agency. Randomization is the most important concept, that is, each service record in the population must have an equal chance of ultimately being chosen to be in the sample to be reviewed. The reviewer may ask the data processing staff of the State agency to identify the population and provide a list of service records randomly selected for review. If State VR agency staff can generate populations from the computer but cannot produce random samples with the computer, manual random selection may need to be used.

### Completing Information Critical to the Service Record

In order to facilitate the gathering of the demographic information and significant dates to be recorded in this section, the reviewer may want to ask the assistance of State VR agency staff. Once the service records being reviewed have been identified, VR staff may be asked to complete this section of the service record instrument for each service record prior to the review. Doing some of this work in advance will save time during the week of the on-site review. In addition, State agency staff may rely on the data system, including codes on the RSA-911, to facilitate the completion of these items.

**VR agency:** Record the two-letter abbreviation for the State agency in which service records are being reviewed, followed by a "g" for a general agency serving all individuals with disabilities except individuals who are blind, a "b" for an agency serving individuals who are blind, or a "c" for a combined agency serving all individuals with disabilities.

**Reviewer:** Record the name of the individual reviewing the service record.

**Service Record Identification Number:** Record the State agency identification number assigned to the individual whose service record is being reviewed. This number is often the same as the individual's Social Security number.

**Referral Source:** Record the agency or other entity that referred the individual to the State VR agency. Use the following codes, taken from item 7 of PD-00-06, transmitting the current RSA-911:

1. Educational Institutions (elementary/secondary)
2. Educational Institutions (post-secondary)
3. Physician or other Medical Personnel or Medical Institutions (public or private)

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4. Welfare Agency (State or local government)
5. Community Rehabilitation Programs
6. Social Security Administration (Disability Determination Service or District office)
7. One-Stop Employment/Training Centers
8. Self-referral
9. Other sources

**Disability:** Record the primary disability as identified in the service record. This disability is the physical or mental impairment that constitutes or results in a substantial impediment to employment. If it is readily available, use the four-digit primary disability code from the current RSA-911 (comprised of a two-digit impairment code and a two-digit cause/source code). Record a secondary disability in the same manner if one is identified. The RSA-911 codes for impairments and causes/sources are reproduced here for the convenience of the reviewer.

### CODES FOR IMPAIRMENTS

00 No impairment

#### SENSORY/COMMUNICATIVE IMPAIRMENTS:

- 01 Blindness
- 02 Other Visual Impairments
- 03 Deafness, Primary Communication Visual
- 04 Deafness, Primary Communication Auditory
- 05 Hearing Loss, Primary Communication Visual
- 06 Hearing Loss, Primary Communication Auditory
- 07 Other Hearing Impairments (Tinnitus, Meniere's Disease, hyperacusis, etc.)
- 08 Deaf-Blindness
- 09 Communicative Impairments (expressive/receptive)

#### PHYSICAL IMPAIRMENTS:

- 10 Mobility Orthopedic/Neurological Impairments
- 11 Manipulation/Dexterity Orthopedic/Neurological Impairments
- 12 Both mobility and Manipulation/Dexterity Orthopedic/Neurological Impairments
- 13 Other Orthopedic Impairments (e.g., limited range of motion)
- 14 Respiratory Impairments
- 15 General Physical Debilitation (fatigue, weakness, pain, etc.)
- 16 Other Physical Impairments (not listed above)

#### MENTAL IMPAIRMENTS:

- 17 Cognitive Impairments (impairments involving learning, thinking, processing information and concentration)
- 18 Psychosocial Impairments (interpersonal and behavioral impairments, difficulty coping)
- 19 Other Mental Impairments

### CODES FOR CAUSES/SOURCES OF IMPAIRMENTS

- 00 Cause unknown
- 01 Accident/Injury (other than TBI or SCI)

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- 02 Alcohol Abuse or Dependence
- 03 Amputations
- 04 Anxiety Disorders
- 05 Arthritis and Rheumatism
- 06 Asthma and other Allergies
- 07 Attention-Deficit Hyperactivity Disorder (ADHD)
- 08 Autism
- 09 Blood Disorders
- 10 Cancer
- 11 Cardiac and other Conditions of the Circulatory System
- 12 Cerebral Palsy
- 13 Congenital Condition or Birth Injury
- 14 Cystic Fibrosis
- 15 Depressive and other Mood Disorders
- 16 Diabetes Mellitus
- 17 Digestive
- 18 Drug Abuse or Dependence (other than alcohol)
- 19 Eating Disorders (e.g., anorexia, bulimia, or compulsive overeating)
- 20 End-Stage Renal Disease and other Genitourinary System Disorders
- 21 Epilepsy
- 22 HIV and AIDS
- 23 Immune Deficiencies excluding HIV/AIDS
- 24 Mental Illness (not listed elsewhere)
- 25 Mental Retardation
- 26 Multiple Sclerosis
- 27 Muscular Dystrophy
- 28 Parkinson's Disease and other Neurological Disorders
- 29 Personality Disorders
- 30 Physical Disorders/Conditions (not listed elsewhere)
- 31 Polio
- 32 Respiratory Disorders other than Cystic Fibrosis or Asthma
- 33 Schizophrenia and other Psychotic Disorders
- 34 Specific Learning Disabilities
- 35 Spinal Cord Injury (SCI)
- 36 Stroke
- 37 Traumatic Brain Injury (TBI)

**Significance of Disability:** Check whether the individual is an individual with a most significant disability, a significant disability, or a non-significant disability.

**Date of Birth:** Record the date of birth of the individual.

**SSDI:** Check whether the individual received Social Security Disability Insurance (SSDI) while being involved with the VR agency at any time, from referral to exiting the program. It is not necessary to record the amount received.

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**SSI:** Check whether the individual received Supplemental Security Income (SSI) while being involved with the VR agency at any time, from referral to exiting the program. It is not necessary to record the amount received.

**Status:** Check one of the three statuses listed:

- **Closed Employed:** The service record was closed after the individual achieved an employment outcome.
- **Closed Not Employed:** The service record was closed without the individual having achieved an employment outcome after the individual received services.
- **Open:** The individual is currently receiving services.

**Service Record Type:** Check one of the three types of service records listed:

- **Transitioning Student:** The individual whose service record is being reviewed is a student with a disability of transitioning-age at the time of application.
- **WIA:** The individual whose service record is being reviewed is receiving services or has received services from the VR agency in a One-Stop center.
- **General:** The individual's service record cannot be classified in one of the other two categories, either as a transitioning student or an individual receiving services from a VR agency in a One-Stop center.

**Significant Dates:** Prior to the review or during orientation to the review, it is critical to determine from State agency personnel the documents to use for obtaining the dates of referral, application, eligibility, initiation of the IPE, initiation of services, and closure. This determination is critical since how a State agency documents these dates varies considerably and may include both written and electronic methods.

Record the dates for the following events:

- **Referral:** The date on which the individual was referred to the VR agency. Review the VR agency's policies as to how a "referral" is defined, and use the agency's criteria when examining the documentation in the service record in order to determine the date of referral.
- **Application:** The date on which the individual completed an application for services with the VR agency. The date may be (1) the date a written application was signed, (2) the date on which the individual completed a common intake application form in a One-Stop center requesting VR services, or (3) the date on which staff of the VR agency gathered information by telephone or some other means sufficient to begin assessment of the individual for eligibility for services.

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- **Eligibility:** The date on which a VR counselor made a determination of eligibility or ineligibility. A State agency may record the determination of eligibility or ineligibility in a variety of ways. Prior to the review, determine the type of documentation a State agency uses to record a determination of eligibility or ineligibility. In some State agencies, a supervisor can nullify or reverse a determination made by the counselor. If this is the case, the date of the supervisor's approval of the counselor's determination of eligibility is the date that should be recorded.
- **IPE Signed:** The date on which the VR counselor and the individual with a disability signed the IPE. If they did not sign the IPE on the same date, use whichever date is later. As with eligibility determination, in some State agencies, a supervisor can nullify or reverse a determination made by the counselor. If this is the case, the date of the supervisor's approval of the IPE is the date that should be recorded.
- **IPE Services Initiated:** The date on which the first service listed on the IPE was begun. It may be difficult to determine the exact date of service initiation. In that case, leave this item blank. However, it is particularly important to attempt to complete this item if there were lengthy and unexplained delays in service delivery.
- **Closure:** The date on which the service record was closed. A State agency may record closure of a service record in a variety of ways. Prior to the review, determine the type of documentation a State agency uses to record the closure of a service record.

## I. ELIGIBILITY

### Preparation Prior to the Review

Review both 34 CFR §§361.42 and .47 and the associated discussions for these regulatory provisions. The discussions can be found in the preamble to the February 28, 2000, Notice of Proposed Rulemaking (NPRM) on pages 10625-10626 and page 10628. Additional discussions in response to comments on the NPRM can be found in the appendix to the final regulations effective April 17, 2001. These discussions can be found on pages 4426-4428 and pages 4429-4430 of the January 17, 2001, Federal Register.

Review State agency policies and procedures related to eligibility determinations to ensure their conformity with the provisions of 34 CFR §361.42. Also, review the types of service record documentation that have been determined by the State VR agency as necessary to support eligibility determinations consistent with 34 CFR §§361.47(a)(1) and (b).

### Review Questions

1. Examine all of the documentation in the service record that was available to the VR counselor up to the date of the eligibility determination and then make a determination as to concurrence or non-concurrence with the determination for each eligibility criterion.
2. In order to answer "YES" to question #2, the reviewer must have concurred with all three criteria in question #1.
3. If the reviewer does not concur that the documentation was sufficient to establish eligibility, that is, if the answer to question #2 is "NO", provide a rationale with respect to the facts reflected in the service record documentation vis-à-vis the eligibility provisions identified in 34 CFR §361.42.
4. The reviewer should examine whether the individual receiving SSI or SSDI at application was presumed eligible, as is required by 34 CFR §361.42(a)(3). If the individual received neither SSI nor SSDI at application, the reviewer should choose the "N/A" response.

## II. TIMELINESS

### Preparation Prior to the Review

Review the requirements at 34 CFR §§361.41(a) and 361.45(e) requiring the State agency to develop time standards for making the initial contact with the individual (question #5) and developing the IPE (question #7), respectively.

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Review the requirements at 34 CFR §361.41(b) that establish the Federal time standard for determining eligibility and any policies the State agency has developed to implement these requirements (question #6).

Review the State agency's policies for providing services in a timely manner without undue delays or interruptions, if the agency has such policies (question #8).

Review the requirements at 34 CFR §361.46(a)(3) regarding the requirement to establish timeframes in the IPE for the initiation of services and any policies the State agency has developed for assuring timely service provision (question #9).

Review any State agency policies related to case management and service record documentation that apply to the review questions on timeliness of services.

On the Policy Review Checklist, answer question #1, record the State agency's time standard for contacting an individual who is referred for services, and record when the time standard was implemented; answer question #2, record the State agency's time standard for developing an IPE once eligibility has been determined, and record when the time standard was implemented; and answer question #3, record the State agency's policy for providing services in a timely manner without undue delays or interruptions (if the State agency has such a policy), and record when such a policy was implemented.

After reviewing agency time standards, it is critical for all members of the review team to develop and utilize a consistent method for determining timeframes. One consideration is how to calculate time standards based on "working days," since weekend days could occur during that time period. Reviewers could use a calendar, or could agree to add 2 days to the standard to account for the possibility of a weekend occurring within the span of the time standard. Thus, for a time standard of "3 working days" for initial contact, reviewers could decide that any contact made after 5 calendar days does not meet the agency standard.

If the review indicates a serious deficiency in any of the time standards, use the appropriate dates to calculate the extent of the deficiency. Also, determine if the agency is aware of the deficiency and has developed plans to correct the deficiency.

### **Review Questions**

Answer questions #5 through #10 based on methods developed during the service record review preparation and orientation. When answering a question, pay particular attention to instructions on the service record review form to choose the "N/A" option depending on the answer to a previous question. Include comments whenever they would help to clarify the meaning of an answer.

5. Refer to the answer to question #1 on the Policy Review Checklist regarding the time standard for contacting an individual who has been referred to the VR agency. If the agency has such a standard, answer "YES" if the individual was contacted within the

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specified timeline. If not, answer "NO" and explain this answer. If the agency does not have a standard, respond "N/A."

- 6a. Review the documentation in the service record and decide whether eligibility/ineligibility determination was made within 60 days of the individual's application, and answer #6a with either "YES" or "NO."
- b. If the answer to #6a is "YES," answer #6b "N/A." If the answer to #6a is "NO," determine if there is documentation that the counselor and applicant agreed to a specific extension of time for the determination of eligibility, and answer #6b with either "YES" or "NO." If the answer to #6b is "NO," explain this answer.
- 7 Refer to the answer to question #2 on the Policy Review Checklist regarding the time standard for developing an IPE for an individual once eligibility has been determined. If the agency has such a standard, answer "YES" if the IPE for the individual was developed within the specified timeline. If not, answer "NO" and explain this answer. If the agency does not have a standard, respond "N/A."
- 8 Refer to the answer to question #3 on the Policy Review Checklist regarding whether the agency has established a policy for providing services in a timely manner without undue delays or interruptions. If the agency has such a policy, answer "YES" if services were provided to the individual in accordance with this policy. If not, answer "NO" and explain this answer. If the agency does not have such a policy, respond "N/A."
- 9
  - a. Review the documentation in the IPE and determine whether timeframes were listed for the provision of services, and answer #9a with either "YES" or "NO."
  - b. If the answer to #9a is "YES," review the documentation in the IPE and elsewhere in the service record and determine whether services were provided within the timeframes listed on the IPE, and answer #9b either "YES" or "NO." If the answer to #9b is "NO," explain this answer. If the answer to #9a is "NO," answer #9b "N/A."
  - c. If the answer to #9b is "YES," meaning that services were provided within the timeframes listed in the IPE, answer #9c "N/A." Also answer #9c "N/A" if, using reviewer judgment, it is determined that there were to undue delays or interruptions in the provision of services, even though specific timeframes were not listed on the IPE.

If the answer to #9b is "NO," meaning that services were not provided within the timeframes listed in the IPE, answer #9c "YES" if the reasons that services were not provided within the specified timeframes were documented. Also, answer #9c "YES" if reasons for delays or interruptions were documented even though no specific timeframes for services were listed in the IPE. Regardless of the reason for answering "YES" to #9c, the rationale for the lack of timely services should be briefly described.

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If there was no documentation for the lack of timely services, answer #9c "NO" and explain this answer.

- 10 a. Review the documentation in the service record and determine whether the counselor maintained contact with the individual, and answer #10a "YES" or "NO."
- b. If the answer to #10a is "YES," answer #10b "N/A." If the answer to #10a is "NO," meaning that there were extended periods without contact between the counselor and the individual, answer #10b "YES" if the reasons for these extended periods without contact are documented in the service record. Briefly explain the reasons for lack of contact as documented in the service record. If the service record does not contain documentation for extended periods without contact between the counselor and the individual, answer #10b "NO."

### **III. SUBSTANTIALITY OF SERVICES**

#### **Preparation Prior to the Review**

"Substantial" vocational rehabilitation services are those services, which provided in the context of the counseling relationship, collectively and significantly contribute to the achievement of an employment outcome consistent with the informed choice of the individual.

Review 34 CFR §361.47(a)(14), which applies to service records of individuals who achieve employment outcomes. This provision requires that there be documentation that demonstrates that services provided under the individual's IPE contributed to the achievement of the employment outcome.

Review the State VR agency's policies regarding how substantiality of services is defined (if the State agency has such policies) and record these policies in response to question #4 on the Policy Review Checklist.

Review what service record documentation the State agency uses to corroborate that substantial services are being provided to individuals with disabilities.

#### **Instructions for Chart**

In order to examine substantiality of services in a service record, a chart has been attached to the service record review form and has been provided as a tool for reviewers. Completion of this chart is optional in reviews where State agency staff participate with RSA Regional Office staff in the review process. If State agency staff does not participate in the review, use of the chart is required.

Review the IPE and any amendments. In the column entitled "Needs Related to Services on the IPE," describe the services that addressed the individual's major needs identified in the assessment process or later in the service record that had to be met in order for the individual to

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achieve an employment outcome consistent with that individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. The VR counselor may have planned to meet these needs through services provided directly by the agency, may have purchased these services from vendors, or may have arranged to meet the needs through other service providers using the comparable services and benefits provision. Regardless of how the services are provided, the services planned to meet the needs should be listed on the IPE; therefore, the IPE and its amendments are the sources of information listed in this column.

Examples of vocational needs are: financial assistance for college or other educational training; the purchase of equipment and assistive technology; the provision of transportation services; and housing/maintenance. Needs relating to the barriers posed by the disability may include, for example, orientation and mobility instruction for a person who is blind.

Decide whether the needs listed on the IPE were met or were not met. In the column entitled "Extent Met," place a checkmark in the appropriate column: "Met" or "Unmet." Documentation of the individual's needs and whether or not they were met can be found in the certificate of eligibility, IPE and amendments, or counselor's notes.

Indicate on the chart that a need has been unmet if:

- counseling and guidance were needed but not provided;
- placement assistance was necessary but not provided;
- services were stated as needed on the IPE, its amendments, or anywhere in the service record, were planned, but were not provided.

In the column entitled "Comments," include any comments necessary to explain the analysis.

### Sample Chart

The following is an example of a completed chart based on a hypothetical case of an individual in need of college training and job placement. This sample chart reflects a situation in which substantial services were provided.

NEEDS RELATED TO SERVICES ON THE IPE	EXTENT MET		COMMENTS
	MET	UNMET	
O&M Instruction; Braille and Alternative Techniques	X		VR paid for 9 month residential training program
College Tuition	X		Paid for by student loans, VR and family contributions
Computer and Adaptive Equipment	X		Purchased by VR
Accessible Transportation	X		Individual uses city bus system
Books and Supplies	X		VR paid allowance to individual
Housing	X		VR paid for on-campus housing
LSAT Prep Course	X		VR paid

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Law School Tuition	X		Paid for by student loans, VR and family contributions
Bar Exam Prep Course and Bar Exam	X		VR paid
Schedule A Certification	X		Documentation prepared by VR
Placement Assistance	X		Placement Assistance provided; individual employed as attorney with Federal agency

### Review Questions

11. Were all of the services identified in the IPE necessary for the achievement of an employment outcome?

After reviewing the services listed on the IPE and its amendments that were provided to meet the individual's employment needs, respond "YES" or "NO" and explain the reasoning for a "NO" response.

A "NO" response should be given if it is determined that even one service listed in the IPE or its amendments was not necessary for the achievement of an employment outcome.

- 12a. Were any services provided that were not planned in the IPE?

- b. If #12a is "YES," were these services necessary for the achievement of an employment outcome?

Using reviewer judgment, based on facts gleaned from the service record documentation, the reviewer should respond to #12a either "YES" or "NO" and should explain the reasoning for a "YES" response. All services that are provided to an individual should be listed in the IPE or its amendments. Therefore, a "YES" response should be given if it is determined that even one service was provided that was not listed in the IPE or its amendments.

In answering #12b, the reviewer should determine if any of these unplanned services that were provided were not necessary for the achievement of an employment outcome. Again, even if one unplanned service that was provided was not necessary for the achievement of an employment outcome, a "NO" response should be given. If the answer to #12a is "NO," the answer to #12b should be "N/A."

13. Were there any services necessary for the achievement of an employment outcome that were not provided?

Using reviewer judgment, based on facts gleaned from the service record documentation, respond "YES" or "NO" and explain the reasoning for a "YES" response.

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A "YES" response should be given if services that were needed were not planned or if services that were needed and planned were not provided. If the service record being reviewed is still open or if the service record was closed without the individual having achieved an employment outcome after receiving services, and if there is insufficient information to give a "YES" or "NO" response, a "N/A" response may be given.

14. Did the services provided contribute substantially to the achievement of an employment outcome consistent with the informed choice of the individual?

Based on information gleaned from the service record documentation, and a review of the State agency's policy on substantiality of services if the State agency has such a policy (refer to the answer to question #4 on the Policy Review Checklist), and using reviewer judgment, respond "YES" or "NO" and explain the reasoning for a "NO" response.

The determination of whether the individual received substantial services must be made on a case-by-case basis. The determination is based on individual needs. No simple formula can be applied. When considering whether the services provided meet the definition of substantiality, the reviewer should identify all the needs that ought to have been met in the IPE, its amendments and otherwise in the service record. These needs should include both those pertaining to the vocational abilities of the individual and those relating to the barriers to employment posed by the disability or disabilities.

A "NO" response should be given in answer to this question if the service record did not contain documented evidence that the services planned and provided did, in fact, contribute significantly to the individual's employment outcome. A "NO" answer should be given under these circumstances even though all services planned were provided.

If the service record being reviewed is still open or if the service record was closed without the individual having achieved an employment outcome after receiving services, a "N/A" response should be given.

## **IV. EMPLOYMENT OUTCOMES**

### **Preparation Prior to the Review**

Review both 34 CFR §§361.47 and .56 and the associated discussions for these regulatory provisions. The discussions can be found in the preambles to the February 28, 2000, Notice of Proposed Rulemaking (NPRM) on pages 10628-10629 and on page 39494 of the June 26, 2000, Federal Register. Additional discussions in response to comments on the NPRM can be found in the appendix to the final regulations effective April 17, 2001. These discussions can be found on pages 4429-4430 and page 4433 of the January 17, 2001, Federal Register. In addition, there is a brief discussion on page 7258 of the January 22, 2001, final extended employment regulations.

It is also suggested that 34 CFR §361.5(b)(11) be reviewed together with the preamble discussion on pages 6310-6311 of the February 11, 1997, Federal Register. In addition, it is

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suggested that Policy Directive 97-04, dated August 19, 1997 and entitled "Employment Goal for an Individual with a Disability" be reviewed.

Review State agency policies and procedures related to closing the service record of an individual who has achieved an employment outcome, including any specific agency guidance with respect to competitive employment outcomes. Also, review the types of service record documentation that have been determined by the State VR agency as necessary to support such an action consistent with 34 CFR §§361.47(a)(9), (14) and (15) and (b).

### **Review Questions**

Complete this section only when reviewing service records of individuals who achieved employment.

- 15-18. Answer questions #15 through #18 when reviewing service records for individuals who achieved an employment outcome, regardless of the type of employment outcome achieved (competitive employment, supported employment, self-employment, Business Enterprise Program (BEP) employment, unpaid family work, or employment as a homemaker). Include comments whenever they would help to clarify the meaning of an answer.
19. The criteria for questions #19a and #19b apply to individuals who achieved competitive employment. In #19a, a "NO" answer may have several meanings. A "NO" answer may mean that there is no verification that the individual's wages and level of benefits are not less than that customarily paid to non-disabled individuals for similar work. A "NO" answer may also mean that the individual is not doing the same or similar work as performed by non-disabled individuals employed by the same employer. Whatever the case, explain the rationale for a "NO" answer in the comments section. For both questions #19a and #19b, if the individual achieved an employment outcome other than competitive employment, respond "N/A."

## **V. CLOSURES WITHOUT EMPLOYMENT OUTCOMES**

### **Review Question**

Complete this section only when reviewing service records of individuals who did not achieve an employment outcome after receiving VR services.

20. Determine whether the service record contains documentation of the reason(s) for closure without the individual having achieved an employment outcome. If the documentation is present, briefly describe the reason(s) for closure. Of particular interest would be rationale related to a lack of timeliness or a lack of substantiality of services; however, other rationale that the reviewer judges to be relevant should be described as well.

## VI. TRANSITION SERVICES

### Review Questions

Complete this section only when reviewing service records of transitioning students.

21. In order to determine what school activities prepared the student to participate in the VR program, a review of the documentation in the service record may be helpful. However, an examination of the student's individualized education program, if readily available, may also be helpful. Mark all items that apply to the service record of the student being reviewed. If "other" is checked, please specify the school activity that was provided.
22. After reviewing documentation in the service record, decide whether the student was provided with career exploration and vocational guidance by State VR agency staff prior to exiting school. These services may be offered in an individual or group setting.
23. 34 CFR §361.22(a)(2) provides that, if the student is determined eligible for VR services, the student's IPE should be developed as early as possible during the transition process but no later than when the student exits the school setting. Determine whether the IPE was signed before the student left school.
24. The term "transition services" means a coordinated set of activities for a student, designed within an outcome-oriented process, that promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adults services, independent living, or community participation. The coordinated set of activities shall be based upon the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation. (Sec. 7(37) of the Act; 34 CFR §361.5(b)(55))

The purpose of this question is to gather information about the scope of transition services being offered to students with disabilities by State VR agencies. Because State VR agencies may provide a wide range of transition services, it would not have been desirable to generate a list of options in this Guide that may constrain reviewer responses. Therefore, it is important to identify transition services that were provided to the student whose service record is being reviewed and briefly describe those services here.

25. For question #25, determine whether the student's IPE lists a vocational goal. If the answer to #25 is "YES," list the employment goal under in the Comments section.

## SERVICE RECORD REVIEW GUIDE FORM

Agency: \_\_\_\_\_ Reviewer: \_\_\_\_\_

Service Record ID Number: \_\_\_\_\_ Referral Source: \_\_\_\_\_

VR

Disability: Primary: \_\_\_\_\_ Secondary: \_\_\_\_\_

Disability: Most Significant: \_\_\_\_\_ Significant: \_\_\_\_\_ Non-Significant: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ SSDI: \_\_\_\_\_ SSI: \_\_\_\_\_

Status: Closed Employed: \_\_\_\_\_ Closed Not Employed: \_\_\_\_\_ Open: \_\_\_\_\_

Service Record Type: General: \_\_\_\_\_ Transitioning Student: \_\_\_\_\_ WIA: \_\_\_\_\_

Significant Dates:

Referral: \_\_\_\_\_ Application: \_\_\_\_\_

Eligibility: \_\_\_\_\_ IPE Signed: \_\_\_\_\_

IPE Services Initiated: \_\_\_\_\_ Closure: \_\_\_\_\_

### I. ELIGIBILITY

	YES	NO	N/A
1. Does the service record documentation support the following determinations:			
(a) The applicant has a physical or mental impairment?	<input type="checkbox"/>	<input type="checkbox"/>	
(b) The applicant's physical or mental impairment constitutes or results in a substantial impediment to employment for the applicant?	<input type="checkbox"/>	<input type="checkbox"/>	
(c) The applicant requires vocational rehabilitation services to prepare for, secure, retain, or regain employment consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice?	<input type="checkbox"/>	<input type="checkbox"/>	
2. Is the applicant eligible?	<input type="checkbox"/>	<input type="checkbox"/>	
3. If 2 is "NO", why? ** Comments			
If the individual is an SSI recipient or SSDI beneficiary at application, was the individual presumed eligible? (If the individual was not an SSI recipient or SSDI beneficiary, choose "N/A".)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## **II. TIMELINESS**

	<b>YES</b>	<b>NO</b>	<b>N/A</b>
<b>Referral to Application</b>			
5. If the agency has established a time standard for contacting an individual who has been referred to the VR agency, was the individual contacted within the specified timeline? (If the agency does not have a time standard, choose "N/A".) **Comments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Application to Eligibility</b>			
6 (a) Was the eligibility/ineligibility determination made within 60 days of the individual's application?	<input type="checkbox"/>	<input type="checkbox"/>	
(b) If 6(a) is "NO", did the counselor and applicant agree to a specific extension of time? (If 6(a) is "YES", choose "N/A".) **Comments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Eligibility to IPE Development</b>			
7. If the agency has established a time standard for the development of an IPE, was the IPE developed within the specified timeline? (If the agency does not have a time standard, choose "N/A".) **Comments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Service Provision</b>			
*8. If the agency has established a policy for providing services in a timely manner without undue delays or interruptions, were services to the individual provided in accordance with this policy? **Comments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9 (a) Were time frames identified for the provision of services listed on the IPE?	<input type="checkbox"/>	<input type="checkbox"/>	
(b) If 9(a) is "YES", does the service record indicate that services were provided in the time frames identified on the IPE? (If 9(a) is "NO", choose "N/A".)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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	YES	NO	N/A
*(c) If 9(b) is "NO", or if delays or interruptions occurred in services in cases where there were no specific time frames in the IPE, were reasons for delays or interruptions documented in the service record? (If 9(b) is "YES", or if there were no delays or interruptions, choose "N/A".) **Comments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*10(a) Does the service record indicate that the VR counselor maintained contact with the individual?	<input type="checkbox"/>	<input type="checkbox"/>	
*(b) If 10(a) is "NO", were reasons for extended periods without contact documented? (If 10(a) is "YES", choose "N/A".) **Comments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### III. SUBSTANTIALITY OF SERVICES

	YES	NO	N/A
11. Were all of the services identified in the IPE necessary for the achievement of an employment outcome? If "NO", explain. **Comments	<input type="checkbox"/>	<input type="checkbox"/>	
12(a) Were any services provided that were not planned in the IPE? If "YES," explain. **Comments	<input type="checkbox"/>	<input type="checkbox"/>	
(b) If 12(a) is "YES", were these services necessary for the achievement of an employment outcome? If "NO," explain. (If 12(a) is "NO", choose "N/A".) **Comments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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	YES	NO	N/A
*13. Were there any services necessary for the achievement of an employment outcome that were not provided? If "YES", explain. **Comments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
*14. Did the services provided contribute substantially to the achievement of an employment outcome consistent with the informed choice of the individual? If "NO", explain. **Comments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### IV. EMPLOYMENT OUTCOMES

For Questions 15-19, does the service record documentation support that:

	YES	NO	N/A
15. The individual has achieved an employment outcome that is described in the individual's IPE? If "NO", explain. **Comments	<input type="checkbox"/>	<input type="checkbox"/>	
16. The individual achieved an employment outcome that is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice? If "NO", explain. **Comments	<input type="checkbox"/>	<input type="checkbox"/>	
17. The individual has maintained the employment outcome for an appropriate period of time but not less than 90 days? If "NO", explain. **Comments	<input type="checkbox"/>	<input type="checkbox"/>	
18. At the end of the appropriate employment maintenance period, the individual and the VR counselor:			
(a.) Consider the employment outcome to be satisfactory? If "NO", explain. **Comments	<input type="checkbox"/>	<input type="checkbox"/>	

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	YES	NO	N/A
(b) Agree that the individual is performing well in the employment? If "NO", explain. **Comments	<input type="checkbox"/>	<input type="checkbox"/>	
19. There is verification that the: (If the individual did not achieve competitive employment, choose "N/A".)			
(a) Individual's wage and level of benefits are not less than that customarily paid by the employer for the same or similar work performed by non-disabled individuals? If "NO", explain. **Comments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b.) Individual is compensated at or above the minimum wage? If "NO", explain. **Comments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### V. CLOSURES WITHOUT EMPLOYMENT OUTCOMES

	YES	NO	
20. Does the service record document the reason(s) for closing the case without an employment outcome (e.g., as not rehabilitated)? If "YES," describe the reason(s) for this closure. **Comments	<input type="checkbox"/>	<input type="checkbox"/>	

### VI. TRANSITION SERVICES

	YES	NO	
21. What school activities prepared the student to participate in the VR program? Please mark all that apply.			
(a) Career exploration?	<input type="checkbox"/>		
(b) Assessment of vocational interests and capabilities?	<input type="checkbox"/>		
(c) Work experiences?	<input type="checkbox"/>		
(d) Job readiness training?	<input type="checkbox"/>		

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	YES	NO	
(e) Other? Please specify. **Comments	<input type="checkbox"/>		
22. Did the VR agency provide career exploration and vocational guidance prior to the student leaving school. **Comments	<input type="checkbox"/>	<input type="checkbox"/>	
23. Was the IPE signed before the student with a disability left school? **Comments	<input type="checkbox"/>	<input type="checkbox"/>	
24. What transition services were provided by the VR agency for the student with a disability? **Comments			
25. Is there an employment goal on the IPE? If "YES", what is the stated employment goal? **Comments	<input type="checkbox"/>	<input type="checkbox"/>	

## OPTIONAL CHART ON SUBSTANTIALITY OF SERVICES

NEEDS RELATED TO SERVICES ON THE IPE	EXTENT MET		COMMENT
	MET	UNMET	

## POLICY REVIEW CHECKLIST ON TIMELINESS AND SUBSTANTIALITY OF SERVICES

	YES	NO
<b>Referral to Application</b>		
1. Has the agency established a time standard for contacting an individual who has been referred to the VR agency? If yes, what is the standard and when was it implemented?	<input type="checkbox"/>	<input type="checkbox"/>
**Comments		
<b>Eligibility to IPE Development</b>		
2. Has the agency established a time standard for the development of an IPE for an individual who has been determined eligible? If yes, what is the standard and when was it implemented?	<input type="checkbox"/>	<input type="checkbox"/>
**Comments		
<b>Service Provision</b>		
3. Has the agency established a policy for providing services in a timely manner without undue delays or interruptions? If yes, what is the policy and when was it implemented?	<input type="checkbox"/>	<input type="checkbox"/>
**Comments		
<b>Substantiality of Services</b>		
4. Has the agency established a policy regarding how substantiality of services is defined? If yes, what is the policy and when was it implemented?	<input type="checkbox"/>	<input type="checkbox"/>
**Comments		

## ***FOCUS AREA II***

### **Performance Monitoring Based on Vocational Rehabilitation Program Evaluation Standards and Performance Indicators**

# **Performance Monitoring Based on Vocational Rehabilitation Program Evaluation Standards and Performance Indicators**

## **Introduction**

The implementation of vocational rehabilitation (VR) evaluation standards and performance indicators requires RSA to monitor and track each State agency's performance. The VR program standards and indicators report is the official gauge of this performance, and identifies specific measures of this performance, including: number of VR participants achieving employment outcomes; the proportion of VR participants receiving services who achieve employment outcomes; the proportion of VR participants achieving employment who become competitively employed; the proportion of VR participants achieving competitive employment who have significant disabilities; a comparison of the average earnings of VR participants who are competitively employed with the average earnings of all individuals in their respective States; the effectiveness of VR services in enhancing the ability of competitively employed VR participants to support themselves; and finally, a comparison of the rates at which VR participants from minority and non-minority backgrounds access VR services.

In order to fulfill its monitoring requirements, RSA needs to examine a State agency's performance regarding outcomes for the VR participants it serves. This performance monitoring needs to take place along with the more traditional monitoring of a State agency's policies, procedures, and practices for their compliance with the law and regulations. Performance monitoring is an ongoing RSA activity in which RSA tracks the State agency performance measures, and at the time of an annual review, records a snapshot of the State agency's performance, particularly in those areas that relate to the VR program standards and indicators.

This focus area contains three sections. The first section describes an analysis of possible factors that may impact a State agency's score on the standards and indicators report. The second section contains suggestions on how to review current reports that State agencies routinely submit to their Regional Offices. The third section lists some additional factors, depicted in supporting tables produced by the Central Office that may be used to better understand a State agency's performance.

## **Section I: Review of the Standards and Indicators**

As part of the required annual reviews, RSA staff will discuss with the State agency its performance as recorded on the standards and indicators report, based on FY 2000 RSA-911 data. RSA staff will be given other guidance to work with State agencies that fail either or both standards I and II. This section of the annual review is designed particularly for working with State agencies that either fail to meet one or more indicators but pass standard I or that narrowly pass one or more indicators. The annual review for these State agencies will focus on those implementation areas that may be affecting low performance on the particular indicator(s).

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The standards and indicators report provides a formal indication of the State agency's performance on measures of the quality and quantity of employment outcomes being achieved by the participants of the VR program. It must be noted that the standards and indicators report is a summary, a starting place for additional investigations and analyses. Therefore, the RSA Central Office will provide a work table listing all numbers used to reach the final calculations on the standards and indicators report, usually called "Show the Work Tables." When used in conjunction with information gleaned from the standard reports that the State agency submits to the RSA Regional Offices (described in the second section of this focus area) and when viewed in the context of other factors depicted in tables produced by the RSA Central Office (described in the third section of this focus area), the standards and indicators report can assist the RSA State Representative to assess the total health of the State agency.

RSA Regional Office staff will continue to examine State agency policies, procedures, and guidance materials related to the achievement of employment outcomes. Because RSA staff are knowledgeable about the particular State agency to which they are assigned, the RSA reviewer will undoubtedly have additional relevant insights that should be documented. During the review of the standards and indicators report, the reviewer should speak with State agency staff to obtain their insights into the agency's performance on the standards and indicators.

Following are some possible factors to consider when reviewing performance on specific indicators:

### **Indicator 1.1 – Equal or increase the number of employment outcomes**

- Examine trends in employment outcomes achieved by the State agency. Are these trends consistent with State agency goals and plans?
- Look at trends in applications for VR services. Does it appear that the State agency is continuing to draw a sufficient number of applicants to maintain a total caseload for its employment outcomes two years from now? (Traditionally, the average time in service for VR participants achieving employment outcomes has been 24 months.) Note that a ratio of acceptances to closures of 1.0 and greater means that replacement rates should be sufficient; below 1.0, replacement rates might not be sufficient.

With increases in employment outcomes, are there corresponding increases in the numbers of individuals served? That is, do the increases (or decreases) in outcomes appear to be the result of respective changes in the size of the caseload, or possibly the gain or loss of efficiencies in the way the agency operates?

- Are substantial services provided to VR participants? Information from the service record reviews will most accurately answer this question.

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Does the State agency have sufficient staff/funding to maintain the level of services for individuals with disabilities in the State? That is, have there been or are there expected to be any negative changes in staff or funding?

Are there changes in the State agency's policies and/or procedures that may suggest decreases in future levels of service?

- If there is a significant increase in this indicator (number of employment outcomes), is there a corresponding increase in indicator 1.3 (competitive employment outcomes)?

### **Indicator 1.2 – Of all individuals who exit the VR program after receiving services, the percentage who achieve employment outcomes**

- Examine the trend of the proportion of VR participants obtaining employment compared to the number of participants who received services under an IPE. Has the trend been steady?
- Are there changes in the demographics of VR participants currently accepted for services such that they may need longer periods of services or will be challenged to obtain employment? Note: this question will necessarily be based on “Time in VR” and employment outcomes data for a variety of populations, obtained from the RSA-911.
- Are there State agency reorganizations or excessively large caseloads that may affect the percentage of VR participants who obtain employment?
- How does the percentage of VR participants who obtain employment after receiving services compare to the percentages for previous years?
- With other similar State agencies?
- With the National average?
- If the percentage of VR participants achieving employment is higher than average, is this a result of a decrease in, or a low percentage of, individuals with significant disabilities being served? Are VR participants with significant disabilities given the opportunity to attempt employment? If the percentage of VR participants achieving employment is much lower than average, is the VR agency being used as a provider of disability-related services for individuals in the State without regard to employment?
- The Service Record Review of eligibility determination and the timeliness and substantiality of services provided under the IPE may provide additional information regarding this indicator.

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### **Indicator 1.3 – Of all individuals who achieve employment outcomes, the percentage who exit the VR program with competitive, self-, or BEP employment with earnings equivalent to at least the minimum wage**

Note: For purposes of calculating the standards and indicators, individuals achieving "competitive employment outcomes" are defined as individuals who achieve competitive, self-, or BEP employment (as reported on the RSA-911) and whose earnings are equal to or greater than the minimum wage. "Minimum wage" refers to the Federal or State minimum wage, whichever is higher.

- Examine the State agency's policies, procedures, and practices relating to homemakers. Are they negatively affecting the percentage of VR participants achieving competitive employment?
- If the State agency placed a significant number of VR participants in extended employment in the past, has the agency adopted new policies and practices that encourage individuals to seek competitive employment?
- Does the State agency make rehabilitation technology services available to VR participants so they may compete on a more even "playing field" when obtaining employment? Look at the amount expended on rehabilitation technology services (on the RSA-2) as a percentage of the total and as compared with other similar State agencies. (Note: this is a new item on the current RSA-2, and therefore, a comparison with the previous year's expenditures will not be possible.)
- Assuming that VR participants want "good" employment, (that is, employment with high wages and consistent with their abilities and interests), does the review of the State agency's implementation of provisions on informed choice indicate that the State agency is responsive to consumer choice?

### **Indicator 1.4 - Of all individuals who exit the program with competitive employment outcomes, the percentage who are individuals with significant disabilities**

- Review the State agency's policies, procedures, and practices relating to significant disability.
- Examine the RSA-911 records of individuals with significant disabilities with regard to the various employment categories. Are they adequately represented in competitive employment?
- Does the service record review confirm that all VR participants who are reported as individuals with significant disabilities truly have disabilities that are a significant impediment to employment?

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- Review whether the State agency truly serves individuals of the entire cross-section of disabilities. This review requires detailed reports from the RSA-911 system. Compare the State agency's distribution to the National distribution.
- Are there sufficient numbers of individuals with significant disabilities determined eligible and currently being served to ensure that the State agency will continue, at the current level of effort and output, to assist individuals with significant disabilities to obtain competitive employment?

### **Indicator 1.5 – Ratio of the average hourly earnings of all individuals with disabilities who achieve competitive employment to the average hourly earnings for all individuals in the State who are employed**

Note: Compare the average hourly wage of VR participants achieving competitive employment outcomes with the average hourly wage of all workers in the State as determined by the Department of Labor. The latest wage data available can be found on the Bureau of Labor Statistics website at: <http://stats.bls.gov/news.release/annpay.t02.htm>. However, be cautious with the conclusions of this analysis. The recently-employed VR program participants will have been employed for only a few months when the final RSA-911 data is recorded. The Statewide salary figures will include individuals who have been employed for several years, and would likely have higher wages based on experience and longevity. Perhaps for this reason, the National average for earnings of persons exiting the VR program appears to be just over half the State average wage.

- Examine the types of employment that VR participants obtain – particularly the percentage who obtain professional, managerial, and technical employment. (The National average for professional, managerial, and technical employment is 23.6%; for clerical/sales, 21.8%; and for service, 23%.) If professional, managerial, and technical employment is underrepresented, examine the degree to which the State agency provides significant high-level training to VR participants. Does it appear that the State agency is steering participants to low-level jobs?
- Examine the proportion of VR participants who obtain post-secondary education training or degrees. Also examine the VR participants' years of education. The VR Longitudinal Study shows that Nationally, VR participants with 11.4 years of education earn \$5.00 per hour or less. Participants with an average of 13.1 years of education earn \$9.00 per hour or more.
- Examine the percentage of VR participants receiving SSI or SSDI. A disproportionately high number of these recipients among VR participants achieving employment might depress earnings levels.

### **Indicator 1.6 – Difference from application to closure in the percentage of individuals achieving competitive employment who indicate their own income is their primary source of support**

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- This item measures the impact of the VR program on the ability of VR participants to become self-sufficient. Consistently low numbers may suggest that the State agency is focusing on other priorities.
- Examine the proportion of VR participants who are competitively employed at application. If the State agency is serving disproportionately large numbers of individuals who are already employed at application and who are seeking VR services to help them maintain their employment, the State agency's performance on this indicator may be depressed.
- Examine the proportion of employed VR participants who are SSI or SSDI recipients at application or at closure. Longitudinal Study data indicate that relatively few SSI/SSDI recipients lose their benefits when they exit from the VR program, and additional individuals obtain SSI/SSDI while they are receiving VR services. Therefore, it is less likely that such individuals will report that their own income is their primary source of support. However, if the individual's salary is greater than the amount of SSI/SSDI the individual receives, the salary would be the primary source of support.

### **Indicator 2.1 – The service rate for all individuals with disabilities from minority backgrounds as a ratio to the service rate for all non-minority individuals with disabilities**

Note 1: For purposes of this indicator, "Individuals from a minority background" means individuals who report their race and ethnicity in any of the following categories: American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, Hispanic or Latino.

Note 2: For purposes of calculating this indicator, the numerator for the Service rate is the number of individuals whose service records are closed after they receive services under an IPE whether or not they achieved an employment outcome; the denominator is the number of all individuals whose records are closed after they applied for services whether or not they had an IPE.

- How does the data correlate with the State agency's State plan and other goals and objectives pertaining to unserved and underserved populations?
- Does the State agency's service ratio for VR participants who are members of minority groups differ substantially from the ratio of minority groups in the general State population?
- What has the State agency done to outreach to minority group populations? For instance, are VR applications available in libraries, community centers, and other appropriate places in neighborhoods with high minority group populations? Has the State agency developed linkages to interest groups comprised of members of minority groups?

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- Is the State agency brochure available in languages used by the largest minority group populations in the State? Does the agency have bilingual counselors on staff?
- What has the agency done to recruit counselors from minority backgrounds?
- Are local VR offices located in areas easily accessible to individuals who are minorities?
- Does the State agency use vendors and community rehabilitation programs that are accessible for individuals of minority backgrounds? Has the agency worked with these vendors to develop culturally sensitive assessments and other training materials?

## **Section II: Review of State Agency Standard Reports**

The RSA State Representative keeps abreast of the State agency's programmatic and policy changes as well as local and political activities that affect a State agency's functioning and performance. For purposes of performance monitoring, reviewing the contents of performance reports that State agencies routinely submit to RSA Regional Offices can increase and enhance the quality of knowledge related to the State agency's performance. Comprehensive knowledge of the State agency's performance can enable the RSA State Representative to predict more accurately the numbers for a particular State agency on the standards and indicators report. Based on this thorough understanding, the RSA State Representative can often provide technical assistance to the State agency to prevent future deficiencies in particular areas of the standards and indicators report. At other times, depending on its priorities, the State agency may choose to score lower on one of the indicators in order to score higher on another that is more important to its purpose (e.g., deliberately concentrating on saving the jobs of currently employed persons with disabilities which might adversely impact indicator 1.6, which measures the gains made from application to closure in the percentage of those VR participants who have their own income as their primary source of support).

Data that may be useful in evaluating a State agency's current performance can be obtained from the three performance information reports that State VR agencies submit to their respective Regional Offices: SF 269 – Financial Status Report, RSA-2 -- Annual Vocational Rehabilitation Program/Cost Report, and RSA-113 -- Quarterly Cumulative Caseload Report. Generally, data is most useful when viewed in the context of other data, such as comparing a State agency's data with data for State agencies with similar characteristics; looking at State agency data in relation to National data; and using percentage distributions rather than raw counts. Lacking outside data, a comparison of the same State agency's data over the years can be extremely beneficial. The number of years used for trending varies with individual preferences. RSA State Representatives who regularly review trends for their State agencies have indicated preferences from three years, five years, to ten years of trending. Following is a summary description of useful State agency data that may be obtained from reports at the Regional Offices before they are analyzed at a National level.

**The SF 269** is a quarterly submission used to monitor the State agency's expenditures and obligations under the VR program, including the application of non-Federal funds. It is

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submitted to the Regional Office quarterly. Central Office only receives fourth quarter reports. Therefore, the Regional Office is clearly in the best position to identify the State agency's fiscal management patterns during the year. Some of the items that may be reviewed include:

- Federal funds authorized – Has the amount of funds decreased? Are funds being expended at a different rate during the year as compared to prior years? How much is unobligated at the year's end? What amount of funds is being carried over from the last fiscal year to this year and to the next year?
- State share/match reported – how much is required match? How much (both actual dollars and as a percentage) is the match over or under the required amount? What are the sources of match other than general State funds? Is that amount increasing or decreasing? Does the amount of matching funds increase or decrease after the first grant year ends? (Information regarding sources of match may need to be obtained directly from the State agency. Beginning in FY 2002, this information will appear in Block 12.)
- Maintenance of Effort – Is the State agency meeting its required Maintenance of Effort (MOE)? Has the State agency had MOE or match problems in the past?
- Program income that is disbursed and undisbursed. Is the amount of program income increasing or decreasing? How much, if any, is being transferred to other grants, rather than being used in the Basic Support program?

**The RSA 2** is an annual submission reporting the State agency's expenditures for the year and shows the State agency's spending patterns and program priorities.

- How does the State agency divide its total expenditures among the main VR program categories: administrative costs, counseling and guidance personnel costs, purchased services for VR participants, establishment of community rehabilitation programs, Business Enterprise Program (BEP), services for groups of individuals with disabilities, and innovation and expansion activities? What percent does each category represent of the State agency's total expenditures?
- Is the number of administrative staff increasing or decreasing? Are administrative costs increasing disproportionately?
- To evaluate the workload of the agency, how much and what percentage of the agency's expenditures go to counseling and guidance and purchased services?
- What percent of the money goes to community rehabilitation programs, other public vendors, and other private vendors?
- What proportion of VR participants receive services from each of the different service categories (Schedule II)?

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- Of service expenditures, what proportion is spent on eligibility needs assessment; physical/mental restoration; maintenance; transportation; personal assistance services; rehabilitation technology; post-employment services; total training; and all other? Is the number of VR participants receiving these services consistent with the expenditures for each category?

**The RSA-113** is a quarterly submission that identifies the State agency's caseload flow.

- How many individuals applied for services? How many and what proportion were determined eligible?
- How many new individualized plans for employment (IPEs) were developed? How many individuals began receiving services?
- How many service records were closed? What percent of the individuals who received services had employment outcomes? What percent had significant disabilities? (These numbers are integral to the standards and indicators report.)

RSA-113 data in combination with RSA-2 data provide additional instructive information. Examples of the types of information that can be analyzed by using both the RSA-113 and the RSA-2 include, but are certainly not limited to, the following:

- Cost per service record closed--all records or only those with employment outcomes, (total expenditures shown on Schedule I, line 4 on the RSA-2 divided by the number of closures on Section D of the RSA-113);
- The number of closures per counselor (closures on Section D of the RSA-113 divided by number of counselors on Schedule III of the RSA-2);
- The cost per active case (total expenditures shown on line 4, Schedule I of the RSA-2 divided by the sum of lines B3, C3, D1 and D2 of the RSA-113); and
- Caseload per counselor (the sum of lines A3, A6, A10, A15, B3 and C3 of the RSA-113 divided by the number of counselors on Schedule III of the RSA-2).

Again, when examining data for a single State agency, review the trends over the past few years, and when available, compare the State data with National figures and data from other comparable State agencies.

### **Section III: Review of Additional Factors That May Influence State Agency Performance**

For purposes of monitoring in FY 2002, RSA Central Office will make available to Regional Office staff a one-page data sheet for each State agency containing data from FY 2000. These

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data represent factors that may influence State agency performance on the standards and indicators. Reviewers will be able to use these data to compare a State agency to other State agencies and to obtain a National ranking to determine a particular State agency's position within the National VR program.

While reviewers can, of course, view and use the data in whatever appropriate ways they choose, the following approach provides a starting point to assist those less familiar with the data. Note that the list of measures on the data sheet has a column titled "Type of Measure". This column indicates whether the measure is an outcome measure (coded O), a process measure (coded P), or a context measure (coded X). Outcome measures are considered to be the most important measures, as they represent various ways of looking at how well the State agency is accomplishing the program goal of assisting VR participants to achieve high quality employment. Outcome measures contain a variable related to number of employment outcomes achieved or a variable related to the quality of outcome such as wages or hours worked. Process measures provide information about the effectiveness or efficiency of the flow through various steps in the VR process, information about demographic characteristics that might influence the results found for the outcome measures, or information about the use of staff and fiscal resources. Context measures refer to useful variables that are not within the control of the State agency but provide a point of reference, or context, within which to evaluate the results found on the outcome measures. Measures related to numbers of VR participants at various points in the VR process per million State population represent a mix of process (numbers of participants) and context (State population) information, and are coded P/X.

Because outcome measures are considered to be the most important measures, it is suggested that reviewers begin their review of the data by looking at the State agency performance on the outcome measures. Consider such context measures as State average wage and State per capita income when looking at outcome measures involving wages.

If the State agency does not do well on the outcome measures, look carefully at the process measures for clues or points of discussion with the State agency. It might be helpful to think of at least two important groups: a group that includes measures related to the flow of participants through the VR process (such as the percent of all individuals whose service records were closed after receiving services who achieved employment outcomes, otherwise known as the rehabilitation rate) and a group that relates to State agency allocation of resources (such as percent of funds spent on purchased services).

If the State agency is doing reasonably well on the outcome measures, the results of the process measures will be of less importance. State agencies can achieve a reasonable level of performance on outcome measures in a variety of ways, which can result in considerably different results on some of the process measures. However, there are at least two reasons to spend some time looking at the process measures for reasonably successful State agencies. The measures of flow through the VR process will provide some idea of whether the State agency is operating as efficiently as it could. For example, a State agency could be doing well but might be able to do better if it could identify reasons for a high number of dropouts at various stages of the VR process. Likewise, a State agency could be doing reasonably well because the program is operating very effectively and efficiently with what money is made available to the general field

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program, but additional individuals might be served if an examination of unusual patterns of resource distribution found additional resources for services to individuals.

In order to compare the State agency's performance with other similar State agencies or with other State agencies in the Region, review the more detailed data tables that support the items on the data sheet. These tables will be available on RSA's shared drive and easily accessible in WORD or EXCEL format.

Following is a list of some of the factors that may be reflected on the data sheet.

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	LIST OF MEASURES	TYPE OF MEASURE	NATIONAL AVERAGE	AGENCY DATA	AGENCY RANK	SOURCE REPORT
	<b>X = COUNT/COST</b> <b>Y = PERCENT'</b>	Output Process ConteXt				
1	MEAN WEEKLY HOURS WORKED AT CLOSURE (COMPETITIVE EMPLOYMENT OUTCOMES*)	O	X	X	X	911
2	MEAN WEEKLY HOURS WORKED AT CLOSURE (ALL EMPLOYMENT OUTCOMES)	O	X	X	X	911
3	MEAN COST PER COMPETITIVE EMPLOYMENT OUTCOME	O	X	X	X	2, 113, 911
4	MEAN COST PER EMPLOYMENT OUTCOME	O	X	X	X	2, 113
5	% FUNDS SPENT ON ADMINISTRATIVE COSTS	P	Y	Y	X	2
6	% FUNDS SPENT ON COUNSELING AND GUIDANCE	P	Y	Y	X	2
7	% FUNDS SPENT ON PURCHASED SERVICES	P	Y	Y	X	2
8	MEAN # OPEN SERVICE RECORDS PER COUNSELOR FTE	P	X	X	X	2, 113
9	MEAN # EMPLOYMENT OUTCOMES PER COUNSELOR FTE	P	X	X	X	2, 113
10	MEAN # COMPETITIVE EMPLOYMENT OUTCOMES PER COUNSELOR FTE	P	X	X	X	2, 113
11	NO. EMPLOYMENT OUTCOMES PER MILLION STATE POPULATION	P/X	X	X	X	113, CENSUS
12	NO. EMPLOYMENT OUTCOMES PER \$1 MILLION SPENT	P/X	X	X	X	2, 113

\* On the data sheet, when reference is made to “competitive employment outcomes,” the definition of “competitive employment” as used in indicators 1.3, 1.4, 1.5, and 1.6 applies.

## **Section IV. Summary Report of Review**

In order to document the review activities and to provide some feedback to the State agency, write a brief summary report that is no longer than one or two pages. The web-based program for recording all annual monitoring results will provide space for a brief narrative summary in the following format so as to enable a National collection and tally of the review results:

- 1. Issues Identified:**
- 2. Summary of Discussions with the State Agency:**
- 3. Summary of Proposed Actions or Activities:**

# ***FOCUS AREA III***

## **Transition From School to Work**

## TRANSITION FROM SCHOOL TO WORK

### Introduction

The purpose of this monitoring focus area is to assess State vocational rehabilitation (VR) agency performance in the implementation of transition services to students with disabilities to achieve employment outcomes and to determine compliance with the assurances made in the State plan. This focus area is comprised of four activities: (1) a review of policies and procedures regarding transition services; (2) a review of formal interagency agreements between the VR agency and the State educational agency (SEA); (3) questions supplemental to the service record review to be used when reviewing service records of transitioning students; and (4) optional questions to be used during interviews with the State VR director/administrator, transition coordinator, VR counselors, and special education personnel.

### Review of Policies and Procedures

**Definition:** The term “transition services” means a coordinated set of activities for a student, designed within an outcome-oriented process, that promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based upon the individual student’s needs, taking into account the student’s preferences and interests, and shall include instruction, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation. (Sec. 7(37) of the Act)

1. Review the State VR agency’s staffing plan for Transition.
  - a. Does the State VR agency have a Transition Coordinator? \_\_\_\_ YES \_\_\_\_ NO
  - b. Who serves transitioning students in the State VR agency?
    1. \_\_\_\_ Specialized transition counselors?
    2. \_\_\_\_ Counselors who are generalists?
    3. \_\_\_\_ Both?

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- c. Are VR counselors co-located in the schools?  
\_\_\_\_ YES \_\_\_\_ NO If "YES", how many? \_\_\_\_
- d. Do VR counselors service the schools on an itinerant basis?  
\_\_\_\_ YES \_\_\_\_ NO If "YES", how many? \_\_\_\_
- e. Are transition services provided through third party agreements with local school districts?  
\_\_\_\_ YES \_\_\_\_ NO If "YES", how many? \_\_\_\_
5. Review the State agency's most recent State plan attachment on transition. What is the State VR agency's plan for committing resources to meet the transition needs of students with disabilities?  
\*\*Comments
3. Identify any problems or challenges the agency faces in delivering transition services.  
\*\*Comments
4. How do the State VR agency's plans, policies, and procedures include transition services for students with disabilities that facilitate the achievement of the employment outcome identified in the individualized plans for employment (IPEs)? (Sec. 103(a)(15) of the Act)  
\*\*Give examples.
5. In addition to the presence of a disability, what criteria are used by the educational agencies to refer students to the VR program?  
(Mark all that apply.)
- a. \_\_\_\_ age
- b. \_\_\_\_ grade
- c. \_\_\_\_ career exploration
- d. \_\_\_\_ work readiness
- e. \_\_\_\_ work experience
- f. \_\_\_\_ other (Identify)

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6. Does the State agency have procedures in place to serve students with disabilities who are not attending school or otherwise receiving services from the school system? Please use the following list to identify the population(s) served.

(Mark all that apply.):

- a. ☐ out-of-school youth
  - b. ☐ students with disabilities not served in special education (students served under section 504)
  - c. ☐ students with disabilities served by community rehabilitation programs
  - d. ☐ other (Identify)
7. In accordance with 34 CFR §§361.22 and 361.45, are procedures in place to ensure the development and approval of the IPE:
- a. at the earliest date possible during the transition planning process?  
☐ YES ☐ NO

And

- b. by the time each student determined to be eligible for VR services leaves the school setting?  
☐ YES ☐ NO
8. The CSPD requires, where appropriate, a description of the manner in which activities will be undertaken under the CSPD to coordinate the system of personnel development with personnel development activities under the Individuals with Disabilities Education Act. (Sec. 101(a)(7)(A)(ii) of the Act) Does the State plan address joint training or other CSPD activities between the SEA and the State VR agency?  
☐ YES ☐ NO

Please share any innovative practice(s) used in the delivery of transition services.

\*\*Comments

**Review of Formal Interagency Agreement with the State Educational Agency**

9. Does the State VR agency have a formal interagency Agreement with the State Educational Agency (SEA)? (Sec. 101(11)(D) of the Act; 34 CFR §361.22(b))

\_\_\_\_ YES \_\_\_\_ NO

If the answer to question 9 is yes, answer questions 10-15; if no, skip to question 16:

10. Does the agreement provide for consultation and technical assistance to assist educational agencies in planning for the transition of students with disabilities from school to post-school activities, including VR services? (34 CFR §361.22(b)(1))

\_\_\_\_ YES \_\_\_\_ NO

What activities are implemented to meet this requirement?

**\*\*Comments**

11. Does the agreement provide for transition planning by the State VR agency and SEA personnel for students with disabilities that facilitates the development and completion of their individualized education programs (IEPs) under section 614(d) of the Individuals with Disabilities Education Act? (34 CFR §361.22(2)(b)(2))

\_\_\_\_ YES \_\_\_\_ NO

What activities are implemented to meet this requirement?

**\*\*Comments**

12. Does the agreement describe the roles and responsibilities, including financial responsibilities of each agency, and the provisions for determining the State lead agencies and qualified personnel responsible for transition services? (Sec.101(a)(11)(D) of the Act; 34 CFR §361.22(b)(3))

\_\_\_\_ YES \_\_\_\_ NO

What activities are implemented to meet this requirement?

**\*\*Comments**

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13. Does the agreement include procedures for outreach to and identification of students with disabilities who need transition services? (Sec. 101(a)(11)(D) of the Act; 34 CFR §361.22(b)(4))

\_\_\_\_ YES \_\_\_\_ NO

What activities are implemented to meet this requirement?

**\*\*Comments**

14. Please describe how the agreement might be improved.

**\*\*Comments**

15. Please describe any innovative features of the agreement.

**\*\*Comments**

16. Does the State VR agency have a formal interagency agreement with Local Educational Agency(ies) (LEAs)? (If the answer to this question is no, skip the next question.)

\_\_\_\_ YES \_\_\_\_ NO

17. If the answer to question 16 is yes, examine a sample of the local agreements.

- a. Does the State VR agency have a standard agreement with individual LEAs?

\_\_\_\_ YES \_\_\_\_ NO

- b. Are the agreements with the LEAs patterned after the State agreement?

\_\_\_\_ YES \_\_\_\_ NO

- c. If no, are the agreements tailored to meet the unique circumstances of each LEA?

\_\_\_\_ YES \_\_\_\_ NO

- d. Please describe how the agreement might be improved.

**\*\*Comments**

- e. Please describe any innovative features of the agreement.

**\*\*Comments**

## **SERVICE RECORD REVIEW QUESTIONS ON TRANSITION SERVICES**

Section VI of the service record review guide contains questions that are to be answered when service records of students with disabilities transitioning from school to adult life are sampled. These questions are supplemental to the questions in sections I-V of the service record review guide. Therefore, when reviewing the service record of a transitioning student, complete sections I, II, III, either IV or V, and finally, VI.

The questions for transitioning students that are included in section VI of the service record review guide follow:

What school activities prepared the student to participate in the VR program?

Did the VR agency provide career exploration and vocational guidance prior to the student leaving school?

Was the IPE signed before the student with a disability left school?

What transition services were provided by the VR agency for the student with a disability?

Is there an employment goal on the IPE? If yes, what is the stated employment goal?

When selecting service records for review, it is recommended that at least half of the service records sampled be those of transitioning students. For purposes of this review, these service records should meet one of these two conditions:

- (1) individuals whose age at application is between 14 and 19 (in order to draw service records of individuals with disabilities who may have been served in regular education settings); or
- (2) individuals whose age at application is between 14 and whatever age the State has established for students exiting the special education system and who have been coded as receiving special education on the RSA-911 (in order to draw service records of individuals who receive services under an IPE).

## OPTIONAL QUESTIONS FOR STATE VR DIRECTORS/ADMINISTRATORS

1. What do you think are the key factors to ensure a smooth transition from the school to the VR agency for students with disabilities?  
\*\*Comments
2. How is the State VR agency providing access to transition services for students with disabilities transitioning from school to the VR program or other post-school programs?  
\*\*Comments
3. What percentage of individuals served by the State VR agency are students with disabilities?  
\*\*Comments
4. Do you participate in the development of the formal interagency agreement between the State VR agency and the SEA?  
\_\_\_\_ YES \_\_\_\_ NO
5. What was the process for determining the transition services and costs to be charged to the State VR agency?  
\*\*Comments
6. Are VR counselors providing outreach activities for students with disabilities and technical assistance to the school to prepare students with disabilities for career opportunities?  
\_\_\_\_ YES \_\_\_\_ NO
7. Are IPEs signed and approved as early as possible during the transition planning process and, at the latest, prior to students with disabilities exiting the school?  
\_\_\_\_ YES \_\_\_\_ NO
8. Are there any other transition areas or transition issues you would like to share?  
\_\_\_\_ YES \_\_\_\_ NO  
\*\*Comments

## OPTIONAL QUESTIONS FOR TRANSITION COORDINATORS

1. What do you think are the key factors to ensure a smooth transition from the school to the VR agency for students with disabilities?  
\*\*Comments
2. Do you participate in the development of the formal interagency agreement between the VR agency and the SEA, or as appropriate, the LEA?  
\_\_\_\_ YES \_\_\_\_ NO
3. What percentage of individuals served by the State VR agency are students with disabilities?  
\*\*Comments
4. When are students with disabilities referred to the VR agency by the school?  
\*\*Comments
5. Are IPEs signed and approved as early as possible during the transition planning process and, at the latest, prior to students with disabilities exiting the school?  
\_\_\_\_ YES \_\_\_\_ NO
6. What mechanism or procedure is in place to ensure that IPEs are signed and approved as early as possible during the transition planning process and, at the latest, prior to students with disabilities exiting the school?  
\*\*Comments
7. Do you have the necessary resources to assist students with disabilities to achieve their employment outcomes?  
\_\_\_\_ YES \_\_\_\_ NO

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8. Please state the three transition services most requested by the schools for students with disabilities.

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

9. Do the VR agency and SEA personnel participate in joint training activities to improve the delivery of transition services for students with disabilities?

\_\_\_\_ YES \_\_\_\_ NO

If "YES", please describe.

\*\*Comments

10. Please describe any innovative features implemented by the State VR agency that enhance the transition of students with disabilities from school to the VR agency.

\*\*Comments

11. Are there any other transition issues you would like to share?

\*\*Comments

## **OPTIONAL QUESTIONS FOR THE VR COUNSELOR SERVING TRANSITIONING STUDENTS**

1. What do you think are the key factors to ensure a smooth transition from the school to the VR agency for students with disabilities?

\*\*Comments

2. Are VR counselors providing outreach activities for students with disabilities and technical assistance to the school to prepare students with disabilities for post-school activities?

\_\_\_\_ YES \_\_\_\_ NO

3. Do VR counselors participate in the development of the individualized educational program (IEP)?

\_\_\_\_ YES \_\_\_\_ NO

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4. When are students with disabilities referred to the VR agency from the school?  
\*\*Comments
5. What criteria does the school use to refer students with disabilities to the VR agency?  
\*\*Comments
6. Are IPEs signed and approved as early as possible during the transition planning process and, at the latest, prior to students with disabilities exiting the school?  
\_\_\_\_ YES \_\_\_\_ NO
7. Please state the three transition services most requested by the schools for students with disabilities.
1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
8. Do the VR agency and SEA personnel participate in joint training activities to improve the delivery of transition services for students with disabilities?  
\_\_\_\_ YES \_\_\_\_ NO
9. If "YES", please describe.  
\*\*Comments
9. Do you have the necessary resources to assist students with disabilities to achieve their employment outcomes?  
\_\_\_\_ YES \_\_\_\_ NO
10. Please describe any innovative features implemented by the State VR agency that enhance the transition of students with disabilities from school to the VR agency.  
\*\*Comments

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11. Are there any other transition issues that you would like to share?

\_\_\_\_ YES \_\_\_\_ NO

\*\*Comments

## **OPTIONAL QUESTIONS FOR SPECIAL EDUCATION PERSONNEL**

1. What do you think are the key factors to ensure a smooth transition from the school to the VR agency for students with disabilities?

\*\*Comments

2. How is the SEA, or LEA as appropriate, providing access to transition services for students with disabilities exiting the school to the VR program or other post-school programs?

\*\*Comments

3. Have the State VR agency and SEA, or as appropriate, the LEA, implemented a formal interagency agreement in accordance with Section 101(a)(11)(D) of the Rehabilitation Act?

\_\_\_\_ YES \_\_\_\_ NO

4. What was the process for determining the transition services and costs to be charged to the SEA?

\*\*Comments

5. Are VR counselors providing outreach activities for students with disabilities and technical assistance to the school to prepare students with disabilities for career opportunities?

\_\_\_\_ YES \_\_\_\_ NO

6. Do VR counselors participate in the development of the IEP?

\_\_\_\_ YES \_\_\_\_ NO

7. Are individualized plans for employment (IPEs) signed and approved as early as possible during the transition planning process and, at the latest, prior to students with disabilities exiting the school?

\_\_\_\_ YES \_\_\_\_ NO

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8. Do the VR agency and the SEA personnel participate in joint training activities to improve the delivery of transition services for students with disabilities? If “YES”, please describe.  
\_\_\_\_ YES \_\_\_\_ NO

**\*\*Comments**

9. Please describe any innovative features implemented by the State VR agency that enhance the transition of students with disabilities from school to the VR agency.

**\*\*Comments**

10. Are there any other transition issues that you would like to share?

\_\_\_\_ YES \_\_\_\_ NO

**\*\*Comments**

# ***FOCUS AREA IV***

## **Cost Allocation Under the Workforce Investment Act**

## **COST ALLOCATION UNDER THE WORKFORCE INVESTMENT ACT**

The designated State unit's (DSU's) financial participation in the One-Stop system must be consistent with VR program requirements, be proportional to the benefits that accrue to the VR program, and be consistent with applicable cost principles. These conditions are specified in VR program regulations (see 34 CFR §361.23(a), title I of WIA, regulations implementing title I of WIA, and applicable guidance materials).

VR program regulations at 34 CFR §361.23(a), which restate corresponding requirements in DOL regulations implementing WIA, specify that the DSU must participate in the One-Stop system by carrying out certain functions consistent with the Rehabilitation Act, WIA, and applicable regulations. Additionally, the WIA implementing regulations at 20 CFR §662.270 also state that each partner must contribute a fair share of operating costs of the One-Stop delivery system proportionate to the use of the system by individuals attributable to the partner's program, while 20 CFR §662.280 states that "...the resources of each partner may only be used to provide services that are authorized and provided under the partner's program to individuals who are eligible under such program."

VR program regulations at 34 CFR §361.13(c)(1) require that the DSU be responsible for, among other program functions, the allocation and expenditure of VR program funds, while, according to OMB Circular A-87, a cost must be necessary, reasonable, and allocable in accordance with relative benefits received by the program for it to be allowable under that program.

The Department of Labor's Employment and Training Administration (DOLETA) published a cost-sharing notice in the Federal Register on May 31, 2001, entitled "Resource Sharing for Workforce Investment Act One-Stop Centers: Methodologies for Paying or Funding Each Partner Programs' Fair Share of Allocable One-Stop Costs" (Notice). It "...is intended to provide guidance on resource sharing methodologies for the shared costs of a One-Stop service delivery system." The notice "...relates to the sharing of common costs of the local One-Stop system or an individual One-Stop center which may include such items as space and occupancy costs, utilities, telephone systems, common supplies and equipment, a common resource center or library, perhaps a common receptionist or centralized intake and eligibility determination staff." Shared costs, like all One-Stop activities in which partner programs participate, must be in accordance with applicable program requirements (e.g., eligibility determinations under the VR program must be made by qualified personnel employed by the State's VR agency). In addition to the May 31, 2001, Federal Register DOLETA cost-sharing notice, further guidance is available in the DOLETA draft One-Stop Financial Management Technical Assistance Guide (TAG). The final version of the TAG is expected to be published in January of 2002; references to the TAG in this document refer to the draft version previously shared with RSA staff.

While the Notice lists three types of One-Stop systems -- simple co-location with coordinated delivery of services, full integration, and electronic data sharing -- its focus "...is to address co-located programs with shared space and some common functions or activities whether or not

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those functions or activities are fully integrated.” Even though ETA’s stated preference of the three is the full integration model (in the TAG and the Notice), the TAG also presents additional methodologies, including the co-location model. Whereas full integration consists of all programs falling under one management structure and, a joint delivery of services and a pooling of resources, co-location involves shared space among programs, retains individual program management over the delivery of services and control of resources, and, in general, maintains each program’s separate identity. Under Electronic Data Sharing there are no shared staff or space, just the provision of program information. This model is unlikely to meet the requirement that each partner’s core services be provided in at least one comprehensive center in each local area but it can be used for other remote locations (20 CFR §662.100 (c) and (d)). The requirements of the Act and the regulations (e.g., §3(b) and §111(a)(1) of the Act; 34 CFR §361.23(a)) make the full-integration model problematic for VR Agencies.

Co-location does not have to involve VR agency participation on a full-time basis. Many VR agencies are participating on a part-time basis.

The WIA regulations at 20 CFR §662.250(a) require, “At a minimum, the core services that are applicable to a partner’s program (i.e., are authorized and provided under the program) and that are in addition to the basic labor exchange services traditionally provided in the local area under the Wagner-Peyser Act must be made available by the partner at the comprehensive One-Stop center.” That provision indicates that partner programs are not expected to contribute to the costs of Wagner-Peyser Act services. Based on the preceding, care must be taken in evaluating whether the State VR agency is participating in the cost of services previously or currently furnished under the Wagner-Peyser Act.

In situations where VR agencies are procuring services from other One-Stop partners, or are paying costs other than common costs allocated under a One-Stop allocation plan, reviewers should determine the appropriateness of such expenditures using the same procedures used to determine whether costs for services procured from vendors in other situations are appropriate.

OMB Circular A-87 establishes general parameters for determining whether costs may be supported by Federal grants, including the requirement that costs conform to applicable Federal legislative and regulatory requirements. Because the determination of the allowability of costs involves program statutes and regulations, such determinations should be made together with program staff. DOLETA’s TAG discusses the possibility that partners may benefit from an allocated One-Stop cost which is not allowed by their program laws or regulations. It states that “...the partner under whose program the cost is unallowable would be responsible for identifying a non-Federal source of funds to cover the cost(s).” That statement alone is problematic. It is further complicated by the fact that non-Federal funds (match) are required by our Basic Support program and those funds must be expended in the same manner as grant funds. When discussing the manner in which a partner who refuses to share in a cost would be treated, Part I, chapter 3 of the TAG states, “If the partner chooses not to participate, then they are responsible for incurring any cost for the activity or function as a direct cost to their program.”

The pivotal point in cost-sharing or allocation is whether a benefit is received by the One-Stop partner, or specifically by the VR agency. Care should be taken when evaluating costs

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determined to be of benefit to the VR agency by the local boards or other partners whose perceptions of receiving a benefit may be broader than is appropriate.

Cost allocation methodologies must: result in an equitable distribution of the shared costs, correspond to the types of costs being allocated, be efficient to use and consistently applied. Other considerations are that allocated costs and cost methodologies must be consistent with generally accepted accounting principles (GAAP), OMB requirements and EDGAR, and be accepted by each partner's independent auditors to pass A-133 audits. VR agencies should send the various cost-allocation and cost-sharing plans used in the One-Stops in which it participates to their auditors for review before the audit takes place to avoid any future problems. Another important consideration is that allocated costs be supported by actual cost data rather than budgeted costs.

A statement of the method of funding of the One-Stop centers by the partners is a requirement of the Memorandum of Understanding (MOU). The statement of funding may be a part of the MOU or an attachment. The usual method is to attach to the MOU a budget that lists all of the common function costs of the One-Stop centers and their allocation to each partner as well as a breakdown of resources used to fund them. The common or shared costs should be allocated based on benefits received. Budgets are used strictly as a computational method for sharing costs but the charges must eventually be adjusted to actual costs.

It is important for the RSA reviewer to obtain a copy of the documents that support the VR agency's allocation of the shared costs and the payment method being used. To evaluate the propriety of the amount being charged to the VR agency, the budget of the One-Stop center as well as the methodology used to allocate the shared costs must be considered. It is not sufficient to inspect the information supporting the agency's financial contribution to the One-Stop or the State's system without reviewing documents supporting the allocation principles used for all partners.

Exemplary practices relating to cost-allocation and resource sharing encountered while reviewing State agencies should be shared by RSA staff through Charles Sadler and/or Marsha Davis.

### **At the State Level**

- 1 a. Does the DSU contribute to the support of the operating costs of the State Board or of the alternative entity board used in lieu of a new State Board?  
\_\_\_ YES \_\_\_ NO
- b. If "YES", briefly describe the type of costs supported and the benefits accrued to the DSU, and explain whether the DSU's contribution is proportional to the benefits accrued.

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- 2 a. Has the State Board established policies that affect the VR program regarding cost-sharing at One-Stop centers? (34 CFR §361.23(a))  
\_\_\_ YES \_\_\_ NO
- b. If “YES”, are those cost-sharing policies in conformance with the requirements of the Act, VR program regulations, GAAP, OMB cost principles and administrative requirements? (§3(b) and §111(a)(1) of the Act; 34 CFR §361.23(a))  
\_\_\_ YES \_\_\_ NO \_\_\_ NA
- c. If “NO”, explain.
- 3 a. Does the DSU approve, at the State level, all One-Stop cost-sharing agreements for local areas?  
\_\_\_ YES \_\_\_ NO
- b. If “YES”, have all outstanding issues been resolved?  
\_\_\_ YES \_\_\_ NO \_\_\_ NA
- c. If necessary, explain.
- 4 a. Has the DSU established policies or guidelines for local areas to follow regarding a method or methods to determine its appropriate share of operating costs and its method of payment of those costs at One-Stop centers? (34 CFR §361.23(a))  
\_\_\_ YES \_\_\_ NO
- b. If “YES”, are those cost-sharing policies in conformance with the requirements of the Act, VR program regulations, GAAP, OMB cost principles and administrative requirements? (§3(b) and 111(a)(1) of the Act; 34 CFR §361.23(a))  
\_\_\_ YES \_\_\_ NO \_\_\_ NA
- c. If necessary, explain.

### **At the Local Level**

Because some States have single service delivery areas, an “NA” response option is provided.

- 5 a. Does the DSU contribute to the support of the operating costs of the Local Board? \_\_\_  
YES \_\_\_ NO \_\_\_ NA

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- b. If “YES”, briefly describe the type of costs supported and the benefits accrued to the DSU, and explain whether the DSU’s contribution is proportional to the benefits accrued.
  
- 6 a. Has any Local Board established policies that affect the VR program regarding cost-sharing at One-Stop centers? (34 CFR §361.23(a))  
\_\_\_ YES \_\_\_ NO \_\_\_ NA
  
- b. If “YES”, are those cost-sharing policies in conformance with the requirements of the Act, VR program regulations, GAAP, OMB cost principles and administrative requirements? (§3(b) and §111(a)(1) of the Act; 34 CFR §361.23(a))  
\_\_\_ YES \_\_\_ NO \_\_\_ NA
  
- c. If they are not, describe.

### **At the One-Stop Center Level**

The following questions are to be used when reviewing cost-sharing agreements of the One-Stop centers.

- 7 a. Is the DSU supporting any costs of a One-Stop center in which it has no VR staff co-located?  
\_\_\_ YES \_\_\_ NO
  
- b. If “YES”, for each One-Stop center, describe the costs being supported and the rationale for the participation.
  
  
- 8 a. Does the One-Stop cost-sharing agreement address each partner’s financial participation in allocated common costs? (34 CFR §361.23(a)(2))  
\_\_\_ YES \_\_\_ NO
  
- b. If “YES”, are those cost-sharing methodologies in conformance with the requirements of the Act, VR program regulations, GAAP, OMB cost principles and administrative requirements? (34 CFR §361.23(a))  
\_\_\_ YES \_\_\_ NO \_\_\_ NA
  
- c. If they are not, describe.

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- 9 a. Is the cost-sharing agreement based on reasonable, supportable and valid One-Stop center budget figures and assumptions?  
\_\_\_ YES \_\_\_ NO
- b. If "NO", describe.
- c. Are the budget figures and assumptions reviewed and adjusted at least quarterly?  
\_\_\_ YES \_\_\_ NO
- d. If "NO", describe.
- e. Are budgeted figures allocated to the DSU and other partners adjusted to actual figures?  
\_\_\_ YES \_\_\_ NO
- f. If not, explain.
- 10 a. Is the computational methodology of allocating costs as well as the basis used for their distribution equitable to the VR program?  
\_\_\_ YES \_\_\_ NO
- b. If not, describe.
- 11 a. Are the costs identified as shared common to all partners including the DSU?  
\_\_\_ YES \_\_\_ NO
- b. If not, explain.
- 12 a. Do any shared costs include those that support services made available under the Wagner-Peyser program?  
\_\_\_ YES \_\_\_ NO
- b. If necessary, explain.

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- 13 a. Does the DSU benefit from each cost allocated to it?  
\_\_\_ YES \_\_\_ NO
- b. If not, explain.
- 14 a. Are all costs allocated to the DSU allowable under the VR program?  
\_\_\_ YES \_\_\_ NO
- b. If “NO”, explain.
- c. Is the DSU funding costs that are unallowable under the VR program because it is deemed to receive a benefit from these costs? (See discussion of DOLETA TAG above.)  
\_\_\_ YES \_\_\_ NO
- d. If “YES”, explain.
- e. Does the DSU fund costs that are unallowable under the VR program with RSA grant funds or match for such funds?  
\_\_\_ YES \_\_\_ NO \_\_\_ NA
- f. If “YES”, explain.
- 15 a. Does the DSU receive sufficient (i.e., fair) value for the resources it expends to support all or part of its allocated costs?  
\_\_\_ YES \_\_\_ NO
- b. If “NO”, explain.
- 16 a. Has the DSU determined whether the cost-sharing plan will pass the State’s Independent A-133 audit?  
\_\_\_ YES \_\_\_ NO
- b. If “YES”, was the determination by the auditors positive?  
\_\_\_ YES \_\_\_ NO \_\_\_ NA
- c. If not, explain.

***OPTIONAL FOCUS AREA V***  
**The Workforce Investment Act and Its  
Impact on Participants in the VR Program**

# **THE WORKFORCE INVESTMENT ACT AND ITS IMPACT ON PARTICIPANTS IN THE VR PROGRAM**

## **Scope of Review**

Since the passage of the Workforce Investment Act (WIA) in 1998, RSA has worked extensively with State vocational rehabilitation (VR) agencies, its Federal partners, and other entities to ensure that the One-Stop system established under WIA results in the effective and efficient delivery of services to individuals with disabilities. During FY 1999, RSA developed a section of its Self-Assessment and Technical Assistance Guide that was used by both VR program staff and RSA personnel to facilitate strategic planning under WIA. The self-assessment guidance was followed by WIA review modules in Fiscal Years 2000 and 2001 that assessed the extent to which partnering by designated State units (DSUs) resulted in: greater coordination and collaboration between the VR agency and other partners of the One-Stop system, compliance with VR program requirements, and timely and comprehensive services for eligible individuals under the VR program.

Each of these prior instruments was developed in recognition of the fact that partnering under the One-Stop system requires DSUs, like all One-Stop partners, to participate in a variety of activities. Partnering in the One-Stop system also has broad effects on the State unit and on the provision of services to eligible individuals. Thus, past RSA reviews have addressed DSU participation in the One-Stop system in a comprehensive fashion, calling for reviewers to cover issues concerning membership on State and local workforce investment boards (State and local boards), cost allocation and accountability matters, interagency agreements, and other governance matters.

In FY 2002, RSA Regional Offices are strongly encouraged to build upon past WIA reviews by utilizing this streamlined WIA module that focuses on two critical issues related to WIA -- accessibility of the One-Stop system and the development and implementation of Memoranda of Understanding (MOUs) under title I of WIA. However, for FY 2002, the WIA fiscal review conducted by RSA Financial Management Specialists using Section XII of the Safari, entitled "One-Stop Cost Allocation," is required, meaning that a WIA fiscal review must be conducted in each State in FY 2002. Other WIA issues, including accessibility and MOUs, are to be addressed at the discretion of the Regional Office unless previously identified compliance issues remain unresolved. In other words, any past violations identified in previous WIA reviews also must be addressed as part of RSA's FY 2002 review.

Additionally, other circumstances in the State -- for example, significant delays in the State's implementation of the One-Stop system -- may also warrant a broader review of One-Stop activities. In addressing past compliance issues (which is required) or other WIA matters that are particularly significant to the DSU or to participants in the VR program (which is optional), Regional Offices may utilize a variety of resources: this module; prior WIA review instruments (e.g., the WIA section of the 1999 Self-Assessment and Technical Assistance Guide and the review modules in the FY 2000 and FY 2001 Monitoring and Technical Assistance Guide

referenced above); the WIA and Rehabilitation Act provisions and implementing regulations; or other resources, as appropriate.

### **The FY 2002 WIA Module**

As indicated above, this WIA module is narrowly focused on accessibility and MOU development and implementation in order to enable Regional Offices to conduct a more efficient and effective review of two areas that are particularly important to individuals with disabilities and to the DSU's role as a partner in the One-Stop system. Accessibility of One-Stop centers, for obvious reasons, has a direct effect on whether individuals with disabilities receive the services they need through the center in which the DSU is co-located or otherwise linked to One-Stop partner programs. MOUs, on the other hand, detail the VR agency's relationship in the One-Stop system in terms of services, funding, referrals, and other key partner activities and, therefore, guide One-Stop operations and the role of the DSU. By focusing on accessibility and MOUs, it is expected that RSA reviewers will be able to more critically assess the effects that the One-Stop system has on participants in the VR program and assess whether the DSU is partnering effectively in that system.

Two important points should be noted: first, with regard to the MOU, Regional Offices are encouraged to conduct the review of the MOU described below as part of the required fiscal review under WIA given that the DSU's financial participation in the One-Stop system should be consistent with the terms of the MOU. Financial Management Specialists and Program Specialists should consult with one another on the extent to which the MOU relates the DSU's financial participation and addresses MOU issues accordingly. Second, regarding accessibility, there is particular value in sharing the accessibility questions below with both DSUs and One-Stop officials prior to RSA's review, thus enabling those entities to conduct a "self-assessment" of their efforts to address accessibility issues. That assessment can serve as important background information for RSA reviewers who will be conducting accessibility reviews while on-site.

In addition to the questions on accessibility and the MOU document review and implementation, there are several other optional sections of this WIA module. They include some optional questions additional to those in the service record review that are to be used when reviewing the service records of individuals served by the VR agency in a One-Stop center. They also include optional interview guides for VR counselors working at a One-Stop center, One-Stop managers, and individuals with disabilities served by the VR agency in a One-Stop center.

### **I. Accessibility**

Since the passage of the WIA, a common justification as to why individuals with disabilities do not seek services from One-Stop centers is the lack of physical and programmatic accessibility (Physical access includes accessible transportation, doorways, bathrooms, elevators, and other building components, while programmatic access refers to access to all center resources through, for example, assistive technology in resource rooms, computer labs, and other areas, interpreters,

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and other aids.) RSA had previously noted the limited consideration given to accessibility in the initial WIA State plans submitted under section 112 or section 501 of that Act which RSA had reviewed jointly with the Department of Labor (DOL). Although States had certified through assurance statements in those State plans that the activities of their workforce investment systems complied with the requirements of section 504 of the Act and the Americans with Disabilities Act of 1990 (ADA), plan narratives related to accessibility were vague, appeared to focus solely on physical site accessibility, and did not address accessibility issues related to program, technology, and transportation at all.

Since the review of the initial, full WIA State plans, RSA has been working closely with DOL to raise the awareness of the States with respect to their obligations under section 504 of the Act, section 188 of WIA, and the ADA to ensure that the full scope of One-Stop operations, activities, and services are made available to individuals with disabilities. To this end, DOL's arrangement with the Regional Disability and Business Technical Assistance Centers (DBTACs) to provide consultation and technical assistance services to One-Stop centers on accessibility-related issues remains an important endeavor. The DBTACs are qualified to conduct accessibility reviews of the One-Stop centers and to provide necessary technical assistance that enables entities to comply and maintain compliance with the ADA.

DOL also has drafted a proposed Guide on accessibility entitled "One-Stop Guide to Accessibility and Accommodation of Persons with Disabilities." The Guide is intended to provide useful guidance to workforce investment systems and One-Stop centers to ensure individuals with disabilities have full access to the services of the system and the centers. Once final, the Guide will supplement the Training and Employment Information Notice (TEIN) 16-99 entitled "Workforce Investment Act of 1998 §188 Final Rule and Accessibility Checklists for One-Stop Service Delivery Systems" that was promulgated by DOL on April 12, 2000. In the meantime, the TEIN 16-99 offers information that RSA reviewers may find helpful in addressing accessibility matters. Additional resources include the Americans with Disabilities Act Accessibility Guidelines (28 CFR Part 36, Appendix A) that apply under title II of the ADA to State and local governments and final regulations implementing section 508 of the Act (36 CFR Part 1194) establishing Electronic and Information Technology Accessibility Standards for Federal agencies. Reviewers may wish to consult these or other appropriate resources in assessing the general accessibility of One-Stop facilities and programs.

The Act in section 101(a)(11)(A) requires the DSU to enter into cooperative agreements with other components of the State's workforce investment system. One of the authorized activities that the DSU can undertake within the framework of these agreements is the provision of training and technical assistance to its partners relating to program accessibility to ensure the equal, effective, and meaningful participation of individuals with disabilities in workforce investment activities. The DSU is not responsible for making the One-Stop operations and activities accessible. That is the obligation of the One-Stop system and all of the partners in the system. However, at a minimum, the VR agency should be an active and assertive voice within the system in support of the training and employment needs of individuals with disabilities, including their accessibility needs. In fact, RSA has observed that VR agencies are generally regarded as a key resource in identifying and helping to resolve accessibility problems. Accordingly, reviewing accessibility of the One-Stop system, and the VR agency's role in

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helping the system to ensure accessibility, is both an appropriate and necessary means of assessing the effects that the system is having on individuals with disabilities.

### **Method**

The accessibility review outlined below is accomplished through interviews with both DSU and One-Stop officials, which might be conducted separately or jointly, depending on the reviewer's discretion. In interviewing DSU officials, reviewers should ascertain the DSU's view as to whether the One-Stop system is physically and programmatically accessible to individuals with disabilities, particularly individuals seeking or receiving services under the VR program. Reviewers should also learn what role the DSU has in advising, or otherwise working with, State or local workforce boards and One-Stop center officials in ensuring that One-Stop services are accessible. In addition, as in the past, reviewers should assess, as part of the MOU document review, whether accessibility matters are addressed in the MOU governing One-Stop operations. Finally, reviewers are encouraged to once again review accessibility as part of an on-site review of a One-Stop center in the State. The on-site review of a center, as discussed below, relates to both aspects of this WIA module -- accessibility and the MOU -- by enabling the reviewer to assess the effectiveness of the center in ensuring accessibility and in implementing the relevant MOU.

Questions 1– 4 below are preliminary questions regarding accessibility; Questions 2 and 3 in particular call for DSU input. Additional questions regarding accessibility should be addressed by the reviewer, through discussions with the DSU or One-Stop officials as appropriate, either as part of the MOU document review (Questions 18 – 20) or as part of the on-site review (Questions 33 – 41).

The on-site visit and tour of the One-Stop center is intended, in part, to enable reviewers to generally observe the steps the center has taken to make the facility and its programs accessible to persons with disabilities. As with prior RSA reviews, RSA staff is not expected to conduct a comprehensive accessibility survey of the One-Stop center. Rather, this module anticipates that reviewers would only make a general assessment of whether the center appears to be accessible to persons with disabilities.

However, because many RSA reviewers have particular expertise or experience in identifying advances or problems with regard to accessibility, some reviewers may choose to identify promising features or specific problems related to accessibility that they observe. To the extent they believe appropriate, reviewers are encouraged to make such assessments and offer technical assistance to the State in addressing particular deficiencies. In addition, any problems in center accessibility that the reviewer identifies should be included in the RSA monitoring report to the State VR agency and should also be reported to the RSA director of the Division of Program Administration who may raise the matter to the DOL Civil Rights Center or the Office for Civil Rights (OCR) in the U.S. Department of Education. The RSA Regional Office may also provide such information to the Regional OCR.

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### Review Questions

The following questions relate to the efforts that the State workforce investment system, as governed by the State and local boards and carried out by One-Stop center managers, are making to include individuals with disabilities in the system in general and in the One-Stop centers in particular. Consider in the answers to Question 1, any accessibility-related information in the guidance that the State Board prepares for the local boards.

1. The One-Stop system must provide for “at least one physical” One-Stop center in each local area. Do the State and Local Workforce Investment Plans assure that each local center (and any additional centers) is fully accessible to individuals with disabilities with regard to:
  - a. Physical site and program space?  
\_\_\_\_ YES \_\_\_\_ NO
  - b. Electronic and self-service program components, including training in the use of appropriate technology?  
\_\_\_\_ YES \_\_\_\_ NO
  - c. All One-Stop activities, including WIA title I services and services provided by other partner programs?  
\_\_\_\_ YES \_\_\_\_ NO

Describe any policies and procedures in place to ensure that One-Stop centers in the State are fully accessible to individuals served by VR agencies. Also, describe the extent to which State VR agencies are co-located in One-Stop centers in the State and whether State or local policies regarding accessibility differ for centers in which VR agencies are co-located as opposed to those that are not co-located. Are centers in which the VR agency is not co-located less accessible to persons with disabilities?

**\*\*Comments**

2. Does the DSU play an active role in facilitating accessibility of the One-Stop center?  
\_\_\_\_ YES \_\_\_\_ NO

Please describe the extent and the nature of the DSU’s role and its specific responsibilities with regard to all aspects of center accessibility (e.g., transportation, physical building, program services and activities, etc.).

**\*\*Comments**

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3. Are individuals with disabilities encountering any barriers to service delivery in relation to physical access or appropriate communication modes in the One-Stop center?  
\_\_\_\_\_ YES \_\_\_\_\_ NO

For example, do individuals with physical, sensory or communicative disabilities have full physical and programmatic access to the services provided by all One-Stop partners?

If barriers exist, please describe the barriers and the actions being taken to remove them.

**\*\*Comments**

4. Each local area may also establish virtual or technologically-linked sites through which individuals can access each partner program. If local areas have established such sites, has the State or local board taken steps to ensure that the information available through those sites is accessible to persons with disabilities?  
\_\_\_\_\_ YES \_\_\_\_\_ NO

If “YES”, please describe those steps.

**\*\*Comments**

## **II. Memoranda of Understanding**

Consistent with past monitoring, the optional WIA review for FY 2002 includes a review of a sample of all MOUs developed in the State, including the MOU that governs the operations of the One-Stop center that the reviewer may visit. The MOU review described below will enable RSA reviewers to determine: (1) whether all content requirements are satisfied; (2) whether the MOU sufficiently accounts for the needs of individuals with disabilities, including participants in the VR program, and (3) whether the One-Stop participation of the DSU reflected in the MOU is appropriate and consistent with VR program requirements. Reviewers should obtain a copy of and review the MOU (or MOUs) prior to the monitoring visit and then discuss the content and any related questions with DSU and One-Stop officials once on-site at the DSU or at the One-Stop center. Questions 5 and 6 are preliminary questions regarding MOU development and are followed by relevant guidance and the questions that comprise the MOU document review.

The second part of this MOU review involves an assessment of MOU implementation at the One-Stop center. Through interviews with both DSU staff and officials of the One-Stop center, reviewers should be able to determine whether the content of the MOU -- in terms of the provision of services by the DSU and its role in other One-Stop activities -- is consistent with the activities being followed at the center. Questions 23 – 44 are intended to be used during the on-

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site review for purposes of interviewing DSU and One-Stop officials, assessing relevant One-Stop activities, and determining whether those activities are consistent with the MOU and VR program requirements.

### **Review Questions**

Before reviewing the content and implementation of the MOU, please address the two preliminary questions below in order to determine the extent to which MOUs have been properly developed for each local area. The questions are to be answered based on the local boards of which RSA is aware (including the board responsible for the center visited on-site), given that the size of some States prohibits RSA from obtaining information regarding each local board.

5. Has the DSU entered into a Memorandum of Understanding with the local board in each local area? \_\_\_\_ YES \_\_\_\_ NO

If “NO”, please identify the number of local boards with which the DSU does not have an MOU and describe the specific reasons why that is the case.

**\*\*Comments**

6. Has the local board or the DSU established guidelines for developing MOUs?  
\_\_\_\_ YES \_\_\_\_ NO

If “YES”, please explain: (1) whether the guidelines cover all elements required by WIA section 121(c) (see RSA-IM-00-09); and (2) whether the guidance includes additional items that impact the DSU.

**\*\*Comments**

Notes: Section 121(c) of WIA and WIA implementing regulations 20 CFR §662.300 require that a MOU governing operations of the One-Stop system in a local area be developed and executed between the local board and the One-Stop partners. The MOU must cover:

- The services to be provided through the One-Stop system;
- The funding of the services and the operating costs of the system;
- Methods of referral of individuals between the One-Stop operator and the One-Stop partners;
- The duration of the MOU and procedures for amending the MOU; and

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- Any other provisions that are consistent with WIA and its regulations and are agreed to by the parties.

RSA-IM-00-09, dated December 17, 1999, entitled “A Guide for Developing Memoranda Of Understanding with Local Workforce Investment Boards as Required by the Workforce Investment Act” provides a framework for negotiations in the development of the MOU. The Guide contains items that WIA requires be included in the MOU, as well as other items that are recommended for inclusion, based on standard practice and other requirements in relevant legislation and implementing regulations, including the Act, the ADA, and 20 CFR Part 37.

### **MOU Document Review**

As indicated previously, RSA Regional Offices should review a sample of all of the MOUs developed in the State in order to determine compliance with MOU requirements, to provide appropriate technical assistance, and to identify effective MOU models for use elsewhere. If the Regional Office conducts the recommended on-site review of a local One-Stop center, the responses to the questions below, and corresponding findings submitted to the RSA Central Office, should relate, to the extent possible, to the MOU for that center.

The MOU document review is primarily focused on VR program requirements, although some content elements identified in the questions are recommended -- as opposed to required -- components of the MOU. In general, the questions are based on items noted in RSA-IM-00-09 and questions that call for recommended MOU components are noted as such. In addition to the WIA MOU requirements, reviewers may also refer to required elements that are to be included in cooperative agreements between the DSU and other components of the workforce investment system under section 101(a)(11)(A) of the Act for purposes of assessing the breadth and quality of the MOU.

### **ID INFORMATION**

One-Stop Center \_\_\_\_\_

Local Board \_\_\_\_\_

DSU \_\_\_\_\_

Date of MOU \_\_\_\_\_

RSA Reviewers \_\_\_\_\_

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### **(I) Purpose**

A purpose statement is a recommended, though not required, MOU component.

7. Is there a purpose statement specified in the MOU?  
\_\_\_\_ YES \_\_\_\_ NO

### **(II) Period**

8. Are beginning and ending dates specified in the MOU?  
\_\_\_\_ YES \_\_\_\_ NO
9. Are procedures for amendment specified in the MOU?  
\_\_\_\_ YES \_\_\_\_ NO
10. Are procedures for dispute resolution between the DSU and the One-Stop operator, the local board or the One-Stop partners specified in the MOU?  
\_\_\_\_ YES \_\_\_\_ NO

If so, do the procedures described allow for participation of State-level VR staff at some point in the process?

\_\_\_\_ YES \_\_\_\_ NO

Do the procedures seem reasonable and appropriate, given the requirements of the Act?

\_\_\_\_ YES \_\_\_\_ NO

**\*\*Comments**

### **(III) Services**

11. Are the services to be provided by the DSU through the One-Stop service delivery system identified in the MOU? Briefly describe the services.  
\_\_\_\_ YES \_\_\_\_ NO

**\*\*Comments**

12. For those VR services for which VR program eligibility is required, does the MOU clearly reflect that VR program eligibility requirements must be met? (section 102(a) of the Act)  
\_\_\_\_ YES \_\_\_\_ NO

**\*\*Comments**

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13. Does the MOU identify the applicable core services that the DSU will provide through the One-Stop service delivery system? (34 CFR §361.23(a)(2)(ii))  
\_\_\_\_ YES \_\_\_\_ NO

**\*\*Comments**

14. Is the VR program participation in core services specified in the MOU consistent with the requirements of WIA, the Act, and VR program regulations? (34 CFR §361.23(a))  
\_\_\_\_ YES \_\_\_\_ NO

Answer “YES” if VR participation in core services specified in the MOU is consistent with all of the requirements.

**\*\*Comments**

Neither the complaint procedures for individuals receiving services from the VR program (section 102(c) of the Act) nor the complaint procedures for individuals served by the One-Stop delivery system are required to be addressed in the MOU. However, it is strongly recommended that such complaint procedures be included in the MOU in order to make clear that complaints related to the provision of VR services (as opposed to complaints alleging civil rights discrimination) are resolved through the due process procedures in section 102(c) of the Act and 34 CFR §361.57. These procedures must be followed in instances in which a participant in the VR program challenges a decision affecting the provision of VR services to the individual, even if the services were provided by VR staff located in a One-Stop center.

In addition, participants in the VR program receiving services through the One-Stop center are afforded multiple civil rights protections. In general, VR program participants who bring civil rights (i.e., anti-discrimination) complaints against VR staff should be referred to the Department of Education Office for Civil Rights when the complaint alleges discrimination on the basis of race, ethnicity, national origin, gender, age, or disability, while individuals who bring civil rights complaints alleging discrimination on the basis of religion, political affiliation, or political belief in the provision of services from the One-Stop system should be referred to the Civil Rights Center of the Department of Labor. The Departments of Labor, Education, and other Federal partners are to coordinate referrals of civil rights complaints between their civil rights offices and should be consulted for further information concerning resolution of such complaints (see section 188 of WIA).

The following question relates to RSA’s recommendation that the MOU contain a description of applicable due process protections.

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15. Does the MOU describe the due process protections for individuals receiving services at the One-Stop centers? If so, does the MOU describe the applicability of the due process procedures under section 102 (c) of the Act and 34 CFR §361.57 to complaints related to the provision of VR services? Does the MOU appropriately address civil rights protections and the means for resolving civil rights complaints?  
\_\_\_\_ YES \_\_\_\_ NO

**\*\*Comments**

### **(IV) Cross-Informational Training**

The provision of intercomponent training is a recommended, though not required, MOU component.

16. Does the MOU provide for intercomponent training between the DSU and other One-Stop partners?  
\_\_\_\_ YES \_\_\_\_ NO \_\_\_\_ N/A

Briefly describe.

**\*\*Comments**

### **(V) Referral Methods**

17. Does the MOU specify procedures for referrals between VR and the title I WIA programs?  
\_\_\_\_ YES \_\_\_\_ NO

Between VR and other partner programs?

\_\_\_\_ YES \_\_\_\_ NO

Briefly describe.

**\*\*Comments**

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### **(VI) Universal Access/Accessibility**

The following questions should be considered in conjunction with the accessibility focus area questions specified at the beginning of this guide and with the accessibility questions that should be addressed during the on-site review of the One-Stop center as described below.

18. Does the MOU include assurances that all services and all partner programs available at the One-Stop center will be accessible to individuals with disabilities?

\_\_\_ YES \_\_\_ NO

19. Does the MOU provide information related to accessibility beyond assurances? If so, does the MOU refer to access to the One-Stop center by public transportation, physical access to the building, access to electronic service and information systems, access to programs and services, and the provision of appropriate individual supports?

\_\_\_ YES \_\_\_ NO

Please describe.

**\*\*Comments**

20. Does the MOU discuss the financial responsibilities of the system or of each partner to ensure accessibility of programs and services? Please explain.

\_\_\_ YES \_\_\_ NO

**\*\*Comments**

### **(VII) Organizational Requirements**

Descriptions of organizational requirements or responsibilities are a recommended, though not required, MOU component.

21. Does the MOU reflect the fact that VR program officials must oversee VR program operations, including VR staff functions? If not, does the MOU refer to any policies or procedures regarding the responsibilities of the local board, or of the One-Stop center operator, that affect the ability of VR program officials to fulfill their supervisory role?

\_\_\_ YES \_\_\_ NO

Please describe.

**\*\*Comments**

**(VIII) Confidentiality**

Confidentiality is a recommended, though not required, MOU component.

22. If the MOU requires the sharing of individual personal information, either through a shared data system or through other procedures established in the MOU, are there adequate safeguards for the protection of individual privacy? For example, are there assurances that firewalls or program security measures will be put in place when shared data systems are to be developed? (section 101(a)(10)(F) of the Act and 34 CFR §361.38)

\_\_\_\_ YES \_\_\_\_ NO

\*\*Comments

**III. On-Site Review -- One-Stop Center**

The on-site review of the One-Stop center will again enable RSA reviewers to observe firsthand the DSU's role in the One-Stop system and whether the system, at least as far as the visited center is concerned, is effectively addressing the needs of individuals with disabilities. In this FY 2002 Guide, the scope of the on-site review is the same as the scope of the WIA-related review described above. In other words, RSA reviewers would generally assess the level of accessibility of the center to people with disabilities and assess the implementation of the MOU that governs the relationship of the DSU to the other One-Stop partners.

As noted previously, however, RSA staff is encouraged to broaden the scope of the on-site reviews depending upon local circumstances. If staff is aware of particular areas of concern based on prior reviews of the State or on recent developments, those issues should be addressed. Moreover, past compliance issues that have yet to be resolved must be addressed. Any appropriate resources, including the WIA portion of the FY 2001 Guide that includes a more comprehensive One-Stop center module or other relevant questions developed by the reviewers, can be used for purposes of addressing issues that are not reflected in the questions below. Overall, reviewers should gain as thorough an understanding of One-Stop operations as is appropriate given the circumstances in the center, the area in which the center is located, and the State in general.

Staff from the DSU, in conjunction with One-Stop officials should be asked to provide recommendations to assist RSA in selecting the One-Stop center(s) to be reviewed on-site. Input from representatives from the Department of Labor Employment and Training Administration Regional Office may also be sought. One-Stop centers selected for an on-site review should be those that have either: (1) substantially implemented the WIA requirements, include the VR program in the center, and can serve as models for other States, or (2) exhibited a need for technical assistance and that may benefit from an RSA review in order to address existing problems. It is suggested that reviewers hold entrance interviews or other discussions with One-Stop officials prior to, or at the outset of, the on-site visit in order to explain the purpose of the visit and the process the reviewers will follow.

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### One-Stop Center ID Information

Name of One-Stop Center \_\_\_\_\_

Name of Local Board \_\_\_\_\_

DSU \_\_\_\_\_

MOU Date \_\_\_\_\_

RSA Reviewer(s) \_\_\_\_\_

Date of On-Site Review \_\_\_\_\_

The questions below primarily follow the MOU content components reflected in the MOU document review above and described in RSA IM-00-09.

### (I) Purpose

23. Are the purposes described in the MOU being carried out in the center?

\_\_\_\_ YES \_\_\_\_ NO \_\_\_\_ N/A

Please explain.

\*\*Comments

### (II) Period

24. Have any amendments made to the original MOU been carried out in the center?

\_\_\_\_ YES \_\_\_\_ NO

Please describe.

\*\*Comments

25. Have any disagreements between the DSU and the One-Stop operator, or between VR and other programs, arisen in the center?

\_\_\_\_ YES \_\_\_\_ NO

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If “YES”, were dispute resolution procedures identified in the MOU utilized or were issues resolved through other means? Was the process effective? What changes, if any, should be made to the MOU or other policies regarding dispute resolution? Please explain.

**\*\*Comments**

### **(III) Services**

26. Is the DSU providing the services, including core services, in the One-Stop center as described in the MOU?  
\_\_\_\_ YES \_\_\_\_ NO

Please explain.

**\*\*Comments**

27. How is the DSU providing access to the full range of VR services through the One-Stop center for eligible individuals (e.g., through co-located or itinerant VR staff, etc.)? (WIA section 121(b)(1)(A))  
\_\_\_\_ YES \_\_\_\_ NO

**\*\*Comments**

28. Are individuals with disabilities, including those served by the VR program, receiving core services, intensive services and training services through WIA title I programs or other non-VR programs consistent with the terms of the MOU?  
\_\_\_\_ YES \_\_\_\_ NO \_\_\_\_ N/A

Please explain.

**\*\*Comments**

29. Have disputes concerning the provision of VR services brought by participants in the VR program been resolved consistent with the MOU and due process procedures under section

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102 (c) of the Act and 34 CFR §361.57?

\_\_\_ YES \_\_\_ NO

Have civil rights complaints been brought to the civil rights offices of the appropriate Federal agency?

\_\_\_ YES \_\_\_ NO

\*\*Comments

### **(IV) Cross-Informational Training**

30. Has inter-component training been provided for both VR and non-VR program staff at the One-Stop center? (section 101(a)(11)(A)(i) of the Act)

\_\_\_ YES \_\_\_ NO

If so, does the inter-component training provide for non-VR program staff to be trained regarding working with individuals with disabilities? About the role and function of the VR program?

\_\_\_ YES \_\_\_ NO

Does the inter-component training provide for VR program staff to be trained regarding the needs of other program populations and the role and function of other partner programs and services?

\_\_\_ YES \_\_\_ NO

\*\*Comments

31. Is there a need for additional inter-component training? (section 101(a)(11)(A)(i))

\_\_\_ YES \_\_\_ NO

For whom?

On what topics?

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How should the VR program participate in such training?

**\*\*Comments**

### **(V) Referral Methods**

32. Are individuals being referred in a timely manner between the VR and other programs in accordance with common intake and referral procedures specified in the MOU? (34 CFR §361.37 and section 101(a)(20) of the Act)  
\_\_\_\_ YES \_\_\_\_ NO

Please explain and identify any improvements that could make the intake and referral process at the center more effective for individuals served by the VR program?

**\*\*Comments**

### **(VI) Universal Access/Accessibility**

33. In the reviewer's judgment, has the One-Stop center substantially implemented requirements for universal access and accessibility for people with disabilities?  
\_\_\_\_ YES \_\_\_\_ NO

In making this determination, consider your responses to all of the accessibility-related items referenced above, with particular attention to the following questions:

- Accessible by public transportation?
- Meets standards for physical accessibility of the building and areas surrounding the buildings (e.g., parking lots)? What standards are applied? How does the One-Stop center maintain compliance to the standards?
- Computer applications are fully accessible, with accommodations for individuals with visual impairments, individuals who need a physically adjustable workstation, and individuals who need personal assistance to understand and use the system?
- Are programs and services fully accessible and are accommodations available?
- Are interpreters available for people who are deaf or hard of hearing?

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Evidence of accessibility review by appropriate State or local bodies and other evidence, such as “Bobby approved” designations for computer applications, could be ways to determine whether the access requirements are met. If no such evidence is available or full access is not found, referral to appropriate bodies for such reviews might be an appropriate recommendation to the One-Stop center management and the local board.

Note: “Bobby approved” is a designation that implies that a website is accessible through assistive software applications such as speech programs. Bobby is a software program that runs a check on a page and gives an accessibility rating as well as making recommendations for improvement. In theory, the changes are made and Bobby is checked again, and when the access rating reaches a certain level, the Bobby symbol can be used on the page to indicate basic accessibility of the page. For more information, go to the website [www.cast.org](http://www.cast.org).

**\*\*Comments**

34. Has the One-Stop center setting proven to be fully physically accessible to individuals with disabilities served by VR in terms of the access to the VR program and VR program staff? (section 101(a)(11)(A)(i)(II) of the Act)  
\_\_\_\_ YES \_\_\_\_ NO

That is, can VR participants get to see the VR staff, use the public areas of the One-Stop center when visiting the VR staff, etc.?

**\*\*Comments**

35. Are the other programs and services of the One-Stop center fully accessible to all individuals with disabilities?  
\_\_\_\_ YES \_\_\_\_ NO

Consider access to core services, computer based services, availability of assistance for “self-help” services, access of individuals with disabilities to intensive and training services provided with WIA funds, and access to the programs and services of the other One-Stop center partner programs.

**\*\*Comments**

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36. Do all programs at the One-Stop center recognize the obligation to serve individuals with disabilities who are eligible for their program and the obligation to ensure that their programs are accessible?

\_\_\_\_ YES \_\_\_\_ NO

**\*\*Comments**

37. One proxy indicator of access, programmatic and otherwise, is use (section 101(a)(11)(A)(i)(II) of the Act). Does the One-Stop center have records of the use of core, intensive and training services provided by WIA funds and use of the partner programs and services by individuals with disabilities?

\_\_\_\_ YES \_\_\_\_ NO

If so, consider whether the use of programs by individuals with disabilities seems reasonable given the overall participation rate in those programs or services. If individuals with disabilities do not seem to use programs at reasonable rates, ask about what the barriers to participation might be. (Some barriers may be inherent in the program as opposed to access issues). Please describe.

**\*\*Comments**

38. Are eligible service providers required to be fully accessible and to meet the areas of accessibility mentioned above?

\_\_\_\_ YES \_\_\_\_ NO

Check local board policies for eligible provider application requirements. Providing an assurance regarding compliance with the ADA and section 504 of the Act should be a minimum requirement for application to be an eligible provider. Recommendations to the local board that application requirements should go beyond requiring a minimum assurance may be appropriate.

**\*\*Comments**

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39. Is such accessibility verified, either at application or as part of any ongoing review of eligible providers?

\_\_\_\_ YES \_\_\_\_ NO

How?

**\*\*Comments**

40. Does the DSU have a role in assisting the One-Stop center to become fully accessible? Has the DSU provided technical assistance and advice regarding access? (section 101(a)(11)(A)(i)(II))

\_\_\_\_ YES \_\_\_\_ NO

**\*\*Comments**

41. Has the DSU provided funds for access?

\_\_\_\_ YES \_\_\_\_ NO

If funds were provided, provide the justification supporting the DSU's decision to participate in funding, describe how funds were used and the benefits that accrued to the VR program, and explain whether the level of participation is proportionate to the benefits to the program.

**\*\*Comments**

### **(VII) Organizational Requirements**

42. Does the One-Stop operator or the local board affect the ability of VR program officials to effectively supervise VR staff? (34 CFR §361.13)

\_\_\_\_ YES \_\_\_\_ NO

If "YES", please describe.

**\*\*Comments**

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43. Does the One-Stop operator or the local board impact the VR program through policies, procedures, or decisions related to the provision of services to individuals?

☐ YES ☐ NO

Have those efforts affected the ability of VR program officials to make decisions related to the VR program? (34 CFR §361.13(c))

☐ YES ☐ NO

If "YES", describe.

**\*\*Comments**

### **(VIII) Confidentiality**

44. Does the One-Stop center require sharing of individual personal information, either through a shared data system or through other procedures?

☐ YES ☐ NO

If so, are there adequate safeguards for the protection of individual privacy for people served by the VR program? For example, are there firewalls or program security measures described in the MOU or elsewhere that will be put in place when shared data systems are to be developed? (34 CFR §361.38)

☐ YES ☐ NO

Please explain.

**\*\*Comments**

**OPTIONAL SERVICE RECORD REVIEW QUESTIONS ON VR  
PROGRAM PARTICIPATION IN THE WIA**

1. How was the individual referred to vocational rehabilitation? Mark the referral source.
  - a. One-Stop center \_\_\_\_\_
  - b. SSA \_\_\_\_\_
  - c. Self-Referral \_\_\_\_\_
  - d. Other (indicate source) \_\_\_\_\_
  
2. Is there documentation in the service record that describes how the individual used the One-Stop center? Check all that apply.
  - a. As a meeting place \_\_\_\_\_
  - b. For access to the resource room \_\_\_\_\_
  - c. To participate in workshops \_\_\_\_\_
  - d. For career decision-making on the computer \_\_\_\_\_
  - e. To prepare resumes \_\_\_\_\_
  - f. Other (indicate use) \_\_\_\_\_
  
3. Were there any services listed on the individualized plan for employment (IPE) that the One-Stop center provided? Check all that apply.
  - a. Job placement \_\_\_\_\_
  - b. Job training \_\_\_\_\_
  - c. Job development \_\_\_\_\_
  - d. Other (indicate service(s)) \_\_\_\_\_
  
4. Is there any documentation in the service record that suggests that the One-Stop center shared responsibility for the successful employment outcome? Check all that apply.
  - a. Referral to employer interview \_\_\_\_\_
  - b. Job lead \_\_\_\_\_
  - c. Placed individual on the job \_\_\_\_\_
  - d. Other (indicate assistance provided) \_\_\_\_\_

**OPTIONAL QUESTIONS FOR THE VR COUNSELOR ASSIGNED TO THE ONE-STOP CENTER**

1. Are you co-located or assigned at this One-Stop center on a full-time, part-time, or itinerant basis? Please describe.

**\*\*Comments**

2. If you are assigned to the One-Stop center on an itinerant or part-time basis, is this impacting your ability to work with the other partners? How?

**\*\*Comments**

3. In general, has your location at the One-Stop center improved the quality of the services that you are able to provide to individuals with disabilities? Please give examples.

**\*\*Comments**

4. Are individuals with disabilities receiving the core services from other components of the One-Stop center that they need?

**\*\*Comments**

5. Is the One-Stop center fully accessible to people with disabilities? If not, please describe: the obstacles, how the obstacles could be corrected, and whether the obstacles (and corrective measures) have been discussed with the One-Stop center manager.

**\*\*Comments**

6. Are most individuals with disabilities able to utilize resource or information rooms independent of your or another's assistance? If not, please give specific examples.

**\*\*Comments**

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7. Are other One-Stop center partner programs fully accessible to people with disabilities? If not, please describe the obstacles and how they could be corrected.

**\*\*Comments**

8. Are the programs operated by the eligible service providers fully accessible to people with disabilities? If not, please describe the obstacles and how they could be corrected.

**\*\*Comments**

9. Of the intensive services provided at the One-Stop center, in which services have the individuals you serve expressed an interest? Have any of these individuals actually participated in intensive services? Please explain.

**\*\*Comments**

10. Has your participation as a partner in the One-Stop center increased your need for training to work effectively in this new workforce system environment? Please describe.

**\*\*Comments**

11. In your opinion, has the move to the One-Stop center expanded the scope of training and employment opportunities for persons served by the VR program?

**\*\*Comments**

**OPTIONAL QUESTIONS FOR THE ONE-STOP CENTER MANAGER**

1. Has the participation of the Vocational Rehabilitation (VR) program affected the way you and your staff serve individuals with disabilities? If so, how?

**\*\*Comments**

2. Has the participation of the VR program in this One-Stop center (or other centers) presented you with any particular administrative challenges? Please describe.

**\*\*Comments**

3. Please describe the contributions of VR program staff at this One-Stop center, as well as other centers (if known).

**\*\*Comments**

4. Has inclusion of the VR program in the One-Stop center expanded the scope of training and employment opportunities for persons served by the VR program and for other individuals with disabilities? Please describe.

**\*\*Comments**

5. Do persons being served by the State VR program receive intensive services provided through the One-Stop center? Please describe.

**\*\*Comments**

(Note: The following questions pertain to the order of selection (OOS) requirements under the VR program. It may be helpful for RSA or DSU staff to review the OOS requirements with the One-Stop center management in the event that managers are not entirely familiar with the requirements, including the required priority that must be afforded individuals with the most significant disabilities when the DSU is unable to serve all eligible individuals and the required provision of information and referral to other components of the workforce system for eligible individuals who do not meet the State's OOS criteria).

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- 6 a. Is the State on an OOS? If “NO”, skip to question 7; if “YES”, answer questions b–d.

**\*\*Comments**

- b. How does the OOS impact referrals to VR?

**\*\*Comments**

- c. Are eligible individuals who do not meet the OOS criteria being referred to, and receiving services from, other One-Stop programs that are best suited to meet their specific employment needs? Please describe.

**\*\*Comments**

- d. What impact does the OOS have on the ability of eligible individuals with disabilities (who do not meet the OOS criteria and are referred to other programs) to achieve employment?

**\*\*Comments**

7. Is the One-Stop center fully accessible to people with disabilities? If not, please describe: the obstacles that exist, how the obstacles are being corrected, and the resources being utilized for that purpose.

**\*\*Comments**

8. Are most individuals with disabilities able to utilize resource or information rooms independently? If not, please give specific examples.

**\*\*Comments**

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9. Does the One-Stop center have the necessary assistive technology and other accommodations so that individuals who are blind or visually impaired can access services? Please describe.

**\*\*Comments**

10. Are VR program personnel used as a resource in resolving accessibility problems? Please describe.

**\*\*Comments**

11. Is the Disability and Business Technical Assistance Center (DBTAC) used as a resource in resolving accessibility problems? Please describe.

**\*\*Comments**

12. Are other One-Stop partner programs fully accessible to people with disabilities? If not, please describe the obstacles that exist and how they are being corrected?

**\*\*Comments**

13. Are the programs operated by the eligible service providers fully accessible to people with disabilities? If not, please describe the obstacles that exist and how they are being corrected.

**\*\*Comments**

14. Has the One-Stop system resulted in a need for specific training for One-Stop center personnel on disability issues and on other topics in order to ensure that individuals with disabilities are afforded equal access to One- Stop center services and partner programs? Is this training provided? If so, how? What additional training is needed?

**\*\*Comments**

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15. How would you improve the participation/cooperation/collaboration between the VR agency and the other One-Stop center partners in this center or in other centers?

**\*\*Comments**

**OPTIONAL QUESTIONS FOR PEOPLE WITH DISABILITIES SERVED  
BY THE VR PROGRAM IN THE ONE-STOP CENTER**

1. How were you referred to VR?

**\*\*Comments**

2. Have you received any services from One-Stop center staff (other than VR services from VR staff)?

**\*\*Comments**

3. Have you had any difficulty gaining access to One-Stop center services?

**\*\*Comments**

4. Have you had any difficulty with transportation in getting to and from the One-Stop center?

**\*\*Comments**

5. Do you have any suggestions as to how VR could have improved its services to you?

**\*\*Comments**

6. Do you have any suggestions as to how the One-Stop center could have improved its services to you?

**\*\*Comments**

7. Would you return to the One-Stop center in the future if necessary?

**\*\*Comments**

***OPTIONAL FOCUS AREA VI***  
**Designated State Vocational Rehabilitation  
Unit**

## DESIGNATED STATE VOCATIONAL REHABILITATION UNIT

This survey instrument tests for compliance with the Federal legal requirements for a designated State unit (DSU) that is responsible for the administration of the vocational rehabilitation (VR) program of a designated State VR agency (DSA). It also identifies suggested factors to consider in assessing the nature and degree of authority of the DSU in carrying out its statutory responsibility to administer the VR program of the DSA.

Statutory requirements for the DSU are found in section 101(a)(2)(B) of the Rehabilitation Act of 1973, as amended. The DSA must include a separate DSU when the DSA responsible for the administration of the VR program is not primarily concerned with VR, or vocational and other rehabilitation of individuals with disabilities. These statutory provisions require that the DSU must:

- Be primarily concerned with VR, or vocational and other rehabilitation, of individuals with disabilities;
- Be responsible for the VR program of the DSA;
- Have a full-time director;
- Have staff all or substantially all of whom are employed full time on the rehabilitation work of the DSU; and
- Be located at an organizational level and have organizational status within the DSA comparable to that of other major organizational units of the DSA.

The Federal regulations implementing these statutory requirements are found at 34 CFR §361.13(b). The regulatory provisions track the statutory requirements and also specify that at least 90 percent of the DSU's staff must be employed full time on the rehabilitation work (VR, or vocational and other rehabilitation of individuals with disabilities) of the DSU.

The regulations at 34 CFR §361.13(c) also require that the following functions be reserved solely to the staff of the DSU and may not be delegated to any other agency or individual.

- Decisions regarding eligibility determinations; the nature and scope of available VR services to be provided; and the provision of VR services;
- Determination that an individual has achieved an employment outcome;
- Policy formulation and implementation;
- Allocation and expenditure of VR funds; and
- Participation as a partner in the One-Stop service delivery system under title I of the Workforce Investment Act of 1998.

The first part of the instrument focuses on compliance with Federal statutory and regulatory requirements pertaining to the DSU. The second part identifies suggested factors to consider in assessing the nature and extent of the authority of the DSU in carrying out its responsibility to administer the VR program of the DSA. In the appendix to the instrument is background information on the questions together with the identification of reference materials.

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### Compliance with Federal Requirements

1. Is the work of the DSU primarily concerned with VR, or vocational and other rehabilitation, of individuals with disabilities? \_\_\_YES\_\_\_NO
2. Does the DSU have responsibility for:
  - a. Decisions related to:
    1. Eligibility of individuals applying for VR services? \_\_\_YES\_\_\_NO
    2. Nature and scope of VR services to be provided to individuals with disabilities? \_\_\_YES\_\_\_NO
    3. Provision of VR services to individuals with disabilities? \_\_\_YES\_\_\_NO
  - b. Determination that an individual has achieved an employment outcome? \_\_\_YES\_\_\_NO
  - c. Policy formulation and implementation? \_\_\_YES\_\_\_NO
  - d. Allocation and expenditure of VR funds? \_\_\_YES\_\_\_NO
  - e. Participation as a partner in the One-Stop service delivery system? \_\_\_YES\_\_\_NO
3. Does the director of the DSU devote full-time to the work of the unit? \_\_\_YES\_\_\_NO
4. Does at least 90% of the DSU staff devote full time to the rehabilitation (VR, or vocational and other rehabilitation) work of the unit? \_\_\_YES\_\_\_NO
5. In comparison with other major organizational units within the DSA, is the DSU located at an organizational level comparable to the other units? \_\_\_YES\_\_\_NO
6. In comparison with other major organizational units within the DSA, does the DSU have organizational status comparable to the other units? \_\_\_YES\_\_\_NO

### Factors to Assess Nature and Extent of DSU Authority

1. If administrative functions are centralized at the DSA level, does the DSU have adequate input with respect to the DSA's VR program regarding:
  - a. Legislative proposals? YES NO N/A
  - b. Regulations? YES NO N/A
  - c. Budget development? YES NO N/A
  - d. Program planning? YES NO N/A
  - e. Program evaluation? YES NO N/A
  - f. Personnel management? YES NO N/A
  - g. Management information systems? YES NO N/A

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h. Fiscal and statistical reporting?	YES	NO	N/A
2. If administrative functions are centralized at the DSA level, does the DSU receive adequate and timely support from the DSA?	YES	NO	N/A
3. If VR funds are used to support administrative functions at the DSA level:			
a. Is there an approved cost allocation plan?	YES	NO	N/A
or			
b. Are direct charges reasonable?	YES	NO	N/A
4. Does the DSU director have adequate supervisory and administrative control over the program staff of the unit?		YES	NO
5. Does the DSU director report to the director of the DSA in a manner comparable to the directors of the other major organizational units of the DSA?		YES	NO
6. Is the status of the DSU director comparable to the directors of the other major organizational State units of the DSA?		YES	NO
7. Are the delegations of authority to the DSU director comparable to those of directors of the other major organizational units of the DSA?		YES	NO
8. Does the DSU have functional comparability vis-à-vis the other major organizational units of the DSA?		YES	NO

## APPENDIX FOR DESIGNATED STATE UNIT SURVEY INSTRUMENT

This provides background information and identifies references regarding the questions in this survey instrument.

### Compliance with Federal Requirements

#### Question #1

The statutory language "*primarily concerned with*" acknowledges the flexibility provided in the Act with respect to the scope of programmatic responsibilities of the DSU. Within this context, the DSU can have responsibility for activities *that fall outside* of the parameters of "vocational rehabilitation, or vocational and other rehabilitation". Such responsibilities must be subordinate and secondary to the responsibility of the DSU for its VR program, or its vocational and other rehabilitation programs. The DSU's responsibilities can also encompass activities that are "other rehabilitation" in addition to its responsibility for the VR program. In summary, based on the statute the DSU can have responsibilities that extend beyond the VR program to encompass both "other rehabilitation" activities and also programs that are neither VR or "other rehabilitation". Within this context, title I funds can be used only to support the work of the DSU and its staff on VR related activities.

### References

101(a)(2)(B)(ii)(I) of the Act.

34 CFR §361.13(b)(1)(i) of the implementing regulations and the associated preamble discussions in both the December 15, 1995, Notice of Proposed Rulemaking and the February 11, 1997, Final Rule.

Policy Directive 96-02, dated November 7, 1995, and entitled "Special Education Programs as 'Other Rehabilitation' for Purposes of the Application of the Provisions of Sections 101(a)(1)(B)(i) and (2)(A)(i) of the Rehabilitation Act of 1973, as amended."

Commissioner's Memorandum 96-05, dated November 20, 1995, and entitled "Special Education Programs as 'Other Rehabilitation' for Purposes of the Application of the Provisions of Section 101(a)(2)(A)(i) of the Rehabilitation Act of 1973, as amended."

PQ 85, dated December 13, 1977, and entitled "Policy Clarification Issued July 22, 1977, Regarding 'All or Substantially All Full Time Staff.'"

PQ 260, dated May 20, 1981, and entitled, "Policy Interpretation on Definition of Vocational and Other Rehabilitation of Handicapped Individuals."

Program Instruction 75-31, dated June 3, 1975, and entitled "RSA Policy Statement on Interpretation of State VR Organizational Requirements of the Rehabilitation Act, as amended."

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Program Instruction 77-26, dated July 26, 1977, and entitled "RSA Policy Statement on Interpretation of State VR Organizational Requirements of the Rehabilitation Act, as amended." (Amends Program Instruction 75-31)

### **Question #2**

This question is designed to assess if the statutory provision that the DSU is "*responsible for the vocational rehabilitation program of the designated State VR agency*" is being satisfied. The statute does not describe the nature and scope of this responsibility or how it is to be carried out by the DSU. The implementing regulations do, however, identify the minimum non-delegable functions that must be carried out by the DSU with respect to the statutory mandate for the unit to be responsible for the VR program of the DSA. These functions relate to all decisions affecting eligibility, the nature and scope of services, and the provision of those services; determinations that individuals have achieved employment outcomes; policy formulation and implementation; allocation and expenditure of VR funds; and participation in the One-Stop service delivery system in accordance with the regulatory requirements specified in 20 CFR Part 662.

RSA policy has consistently viewed these functions as prime examples of what is meant by the statutory language that the designated State unit "is responsible for the vocational rehabilitation program of the designated State agency" and not as the total extent of the responsibility of the DSU to administer the VR program of the DSA.

### **References**

34 CFR §361.13(c) of the implementing regulations and the associated preamble discussions in both the December 15, 1995, Notice of Proposed Rulemaking and the February 11, 1997, Final Rule.

### **Question #3**

The director of the DSU must devote full-time to the work of the unit within the context of the scope of the unit's programmatic responsibilities. (See discussion above for Question #1). While the director is not required to devote full-time to the VR component of the DSU's work, title I funds can be used to support the work of the director only to the extent of the director's activities spent on VR work.

### **References**

101(a)(2)(B)(ii)(II) of the Act.

34 CFR §361.13(b)(1)(i) and (ii) of the implementing regulations.

45 CFR §401.8, dated December 5, 1974, and associated preamble discussion.

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### **Question #4**

As discussed above in Question #1, the work of the DSU unit can encompass activities that extend beyond VR and other rehabilitation; however, the Act and the regulations prescribe that "all or substantially all staff " of the DSU must devote full-time to the rehabilitation work of the unit, i.e., VR, or vocational and other rehabilitation work of the unit. Longstanding RSA sub-regulatory policy described this portion of the DSU's staff that can be committed to activities that are not VR and other rehabilitation as being "no more than 5 to 10 percent of the total staff...". Building on this sub-regulatory policy, the current regulations at 34 CFR §361.13(b)(1)(iii) set the maximum limit at 10 percent.

### **References**

101(a)(2)(B)(ii)(III) of the Act.

34 CFR §361.13(b)(1)(iii) of the regulations and associated preamble discussions in both the December 15, 1995, Notice of Proposed Rulemaking and the February 11, 1997, Final Rule.

Program Instruction 77-26, dated July 26, 1977, and entitled "RSA Policy Statement on Interpretation of State VR Organizational Requirements of the Rehabilitation Act, as amended." (Amends Program Instruction 75-31)

PQ 85, dated December 13, 1977, and entitled "Policy Clarification Issued July 22, 1977, Regarding 'All or Substantially All Full Time Staff.'"

### **Questions #5 - #6**

These questions focus on the statutory provision that the DSU must be located at an organizational level and have organizational status within the DSA comparable to the other major organizational units. To assess the nature and extent of the required comparability, questions 5 - 8 in the next section of this survey instrument identify suggested factors that can be considered in making such a determination.

### **References**

101(a)(2)(B)(ii)(IV) of the Act.

34 CFR §361.13(b)(1)(iv) of the implementing regulations.

Program Instruction 75-31, dated June 3, 1975, and entitled "RSA Policy Statement on Interpretation of State VR Organizational Requirements of the Rehabilitation Act, as amended."

### Factors to Assess Nature and Extent of DSU Authority

#### Questions #1 - #3

These questions identify a variety of program management considerations when administrative functions for the VR program are centralized at the DSA level.

Question #1 identifies program management activities that typically are carried out by an organization that is responsible for the day-to-day operational administration of a public program. Within the context of this instrument, the sub-questions focus on the nature and extent of the participation of the DSU in these activities when they are centralized at the DSA level. In making judgments about the adequacy of the nature and degree of DSU involvement in these activities, the following factors should be taken into consideration.

- The Act provides considerable flexibility to the State in the administration of the VR program.
- The ultimate responsibility for the administration of the VR program rests with the DSA, not the DSU.
- Legislative history, the statute, implementing regulations and RSA sub-regulatory policy do not address in a definitive manner the operational and management considerations with respect to what is meant by the notion of the DSU "being responsible" for the VR program of the DSA. The clearest statement in this regard is reflected in the regulatory provisions at 34 CFR §361.13(c) that identify the non-delegable functions that must be carried out by the DSU.
- RSA sub-regulatory policies developed in the 1970s (within the context of the *then* current program regulations) characterized the DSU's operational and management responsibility as having an "effective voice" and "strong input" with respect to the administration of the DSA's VR program when functions are centralized at the DSA level. Most of the legal bases for those sub-regulatory policies no longer exist.

In assessing the nature and extent of the DSU's authority in carrying out its responsibility to administer the VR program of the DSA, the reviewer must make a judgment whether any authority exists and, if so, its extent, i.e., does it afford the DSU adequate input with respect to the administration of the centralized functions. The reviewer's judgment in this regard should be based on the degree of authority and involvement of the DSU with respect to *all* of the functions listed in the question, taken together as a whole, and not on some of the identified functions.

Questions #2 and #3 address operational and fiscal considerations related to functions centralized at the DSA level to ensure that the DSU has sufficient support from the DSA in carrying out its responsibility to administer the DSA's VR program and that payment from title I funds for such functions are appropriate.

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### **References**

101(a)(2)(B)(ii)(I) of the Act.

34 CFR §361.13(c) of the implementing regulations and associated preamble discussions in both the December 15, 1995, Notice of Proposed Rulemaking and the February 11, 1997, Final Rule.

Program Instruction 75-31, dated June 3, 1975, and entitled "RSA Policy Statement on Interpretation of State VR Organizational Requirements of the Rehabilitation Act, as amended."

Program Instruction 77-26, dated July 26, 1977, and entitled "RSA Policy Statement on Interpretation of State VR Organizational Requirements of the Rehabilitation Act, as amended." (Amends Program Instruction 75-31)

PQ-47, dated March 23, 1977, and entitled "Responsibilities of the Designated Sole State Agency."

### **Question #4**

This question goes to the heart of the programmatic and operational responsibility of the DSU director to direct the DSA's VR program. Again, there are no provisions in the statute or regulations that speak directly to this consideration. There are, however, sub-regulatory policies, administrative determinations, and judicial decisions made in the 1970s that do touch upon the supervisory and administrative control of the DSU director over the VR program and its staff.

### **References**

Program Instruction 77-26, dated July 26, 1977, and entitled "RSA Policy Statement on Interpretation of State VR Organizational Requirements of the Rehabilitation Act, as amended." (Amends Program Instruction 75-31)

Administrative Law Judge's decision on the proposed disapproval by RSA of the Florida State VR Plan for FY 1976, November 26, 1976

Final Decision of RSA regarding the disapproval of the Florida State VR Plan for FY 1976, January 19, 1977

United States District Court, Northern District of Florida, March 28, 1978

United States Court of Appeals, Fifth Circuit, November 27, 1978

### **Questions #5 - #8**

These questions address a variety of considerations related to the comparability provisions in the statute.

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To assess comparability, there is nothing in the statute or current regulations that provides a legal basis for any of the factors identified. While there are some dated sub-regulatory policies that do address comparability provisions, many of them no longer enjoy the same degree of regulatory support that they did when they were promulgated in the 1970s. In making judgments with respect to comparability provisions, the following are some suggested factors to consider.

- Access of the directors of the various organizational units to the DSA director;
- Status (pay, grade, title) of the directors of the various major organizational units in the DSA;
- Nature and scope of the authority and responsibilities invested in the directors of the various DSA organizational units to administer their programs; and
- Functional comparability between the DSU and the other DSA major organizational units.

### **References**

101(a)(2)(B)(ii)(IV) of the Act.

34 CFR §361.13(b)(1)(iv) of the implementing regulations.

Program Instruction 77-26, dated July 26, 1977, and entitled "RSA Policy Statement on Interpretation of State VR Organizational Requirements of the Rehabilitation Act, as amended." (Amends Program Instruction 75-31)

RSA Memorandum, dated November 9, 1976, and entitled "Vermont's Annual State Plan for FY 1976."

RSA Memorandum, dated September 22, 1978, and entitled "Proposed Reorganization of Arizona Department of Economic Security."

## CONTACT INFORMATION

RSA monitoring and technical assistance guidance is available in various formats and may be obtained by contacting the RSA staff listed below. Much of the guidance will also be available at the RSA website in the near future. The address for the RSA website is <http://www.ed.gov/offices/OSERS/RSA/rsa.html>.

Contact Ms. Teresa Washington at (202) 205-9413 for further information and assistance with regard to the website.

The RSA Regional Commissioners and Regional Office State Representatives are available to answer questions regarding any of the programs funded under the Rehabilitation Act, as amended. The contact information is as follows:

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RSA continues to fund the National Vocational Rehabilitation Technical Assistance Center (NVRTAC) to provide technical assistance on matters not related to the development or interpretation of Federal vocational rehabilitation policy. NVRTAC arranges technical assistance in the following areas:

01. Data processing systems development;
02. Operations Analysis;
03. Service Delivery Studies;
04. VR Staff Training (in the TA areas provided by NVRTAC);
05. Strategy Development;
06. Acquisition of Specialized Equipment;
07. Technologies Related to VR Functions;
08. Internal Planning;
09. Management Consultations;
10. Organizational Development; and
11. Enhancement of Accounting and Auditing Systems.

State VR agency directors interested in obtaining TA with regard to any of the above areas may wish to contact:

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